PARLIAMENTARY DEBATES

(HANSARD)

SIXTH SERIES—VOLUME 499 (Part 1)

HOUSE OF COMMONS

OFFICIAL REPORT

FOURTH SESSION OF THE FIFTY-FOURTH PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FIFTY-EIGHTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 2008–2009

COMPRISING PERIOD
9 November 2009—12 November 2009

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9 November 2009

THE
PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE FOURTH SESSION OF THE FIFTY-FOURTH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 11 MAY 2005]

FIFTY-EIGHTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES **VOLUME 499**

FIFTEENTH VOLUME OF SESSION 2008-2009

House of Commons

Monday 9 November 2009

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

CULTURE, MEDIA AND SPORT

The Secretary of State was asked—

Stonehenge Galleries

1. **Robert Key** (Salisbury) (Con): Whether his Department's proposed funding for the visitor centre at Stonehenge includes provision for partnership joint funding of Stonehenge galleries at (a) Salisbury and (b) Devizes museum. [298009]

The Secretary of State for Culture, Media and Sport (Mr. Ben Bradshaw): The specific £10 million that we announced last month does not, but English Heritage has agreed funding for the Salisbury and Devizes museums as part of a separate partnership agreement, and the two museums together have received over £500,000 since 1999 as part of the Government's support for regional museums.

Robert Key: That is very good news, for which I thank the Secretary of State.

The Salisbury and South Wiltshire museum is making a tremendous effort to co-ordinate its fundraising for new galleries with the visitor centre operation. It has signed a memorandum of understanding with English Heritage on marketing and the display of objects. Please will the Secretary of State urge English Heritage to go the extra mile, and help both the museums and local people, to encourage this wonderful new project?

Mr. Bradshaw: I shall be very happy to do that. I know that English Heritage is engaged in active discussions, and, as the hon. Gentleman said, has already signed a memorandum of understanding. I believe that discussion is still taking place about the amount of support that will become available, but I am confident that both museums will be pleased with the outcome.

Mr. James Gray (North Wiltshire) (Con): Those of us who represent the other side of Salisbury plain are immensely proud of the fact that our area contains the Wiltshire historical records centre in Chippenham. Does the Secretary of State agree that now is the right time for it to be balanced by a suitable museum and visitor centre south of the plain, covering the heritage of which we on the northern side are so proud?

Mr. Bradshaw: I shall be happy to look into the matter, and either my right hon. Friend the Minister of State or I will write to the hon. Gentleman.

Spoliation

2. **Mr. Andrew Dismore** (Hendon) (Lab): What his policy is on the return from UK collections of items looted during the Nazi era; and if he will make a statement. [298010]

The Minister of State, Department for Culture, Media and Sport (Margaret Hodge): I congratulate my hon. Friend on his achievement in piloting the Holocaust (Return of Cultural Objects) Bill through the Commons. I also congratulate Lord Janner on leading the support for it in the other place. I am delighted that the Bill, which the Government were pleased to support and which received all-party support throughout, will receive Royal Assent shortly.

The 17 institutions named in the Bill will be allowed to return objects lost during the Nazi era, in response to a claim and when the return of the object is recommended by the Spoliation Advisory Panel and agreed by Ministers.

Mr. Dismore: Will my right hon. Friend say what she can do to try to encourage people with potential claims to come forward, and what attitude she will take when the Spoliation Advisory Panel recommends restitution?

Margaret Hodge: I hope that, in co-operation with my hon. Friend—because of his efforts in steering the Bill through Parliament—we shall be able to provide the maximum publicity when the Bill finally receives Royal Assent. I can tell him that Ministers have never turned down any advice from the Spoliation Advisory Committee in the past, and I do not expect that to change in the future.

Mark Pritchard (The Wrekin) (Con): I congratulate the hon. Member for Hendon (Mr. Dismore) on steering the Bill through the House. I also congratulate the Government on their efforts to bring it to fruition as soon as possible.

Can the Minister assure me that, when people would rather receive compensation than have their belongings returned to them, the Government will examine individual cases carefully to ensure that the wishes of the families, who are, no doubt, those most affected by the holocaust, are listened to and acted on as swiftly as possible?

Margaret Hodge: I agree that we should act as swiftly as possible. The ability to receive financial compensation rather than the return of artefacts already exists; indeed, the problem was that financial compensation was the only form of compensation that people could receive. My hon. Friend the Member for Hendon (Mr. Dismore) and I felt that that was grossly unfair. The issue was brought to our attention by a case in which the Fitzwilliam museum was able to return a particular object, whereas the British Museum was not able to return another that belonged to the same family. That was one of the reasons for our seeking this change in the legislation.

Davies Committee

3. **Mr. John Grogan** (Selby) (Lab): When he plans to publish the report of the Davies committee review of listed sporting events. [298011]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Gerry Sutcliffe): We look forward to receiving the David Davies report, which will be published in due course.

Mr. Grogan: Will my hon. Friend view favourably the rumoured recommendations of the Davies committee that Ashes cricket, the entire Wimbledon tennis tournament, the football qualifying matches of the home nations and Welsh international rugby should be returned to the A list, thus putting the opinions of ordinary viewers and sports fans above, say, those of the Murdoch family?

Mr. Sutcliffe: I congratulate my hon. Friend, who I believe has written to David Davies expressing his views.

Mr. Edward Vaizey (Wantage) (Con): Answer!

Mr. Sutcliffe: I am sure that my hon. Friend would want me to read the report before embarking on any deliberations.

Hugh Robertson (Faversham and Mid-Kent) (Con): As a result of the de-listing of cricket, we now have a women's cricket team that leads the world. We have also poured an awful lot of money into disability cricket and grass-roots schemes such as the Chance to Shine scheme, which is active in almost every Member's constituency. What assessment has the Department made of the amount that it has been possible to invest in such schemes as a result of the de-listing of cricket?

Mr. Sutcliffe: I acknowledge all that the hon. Gentleman has said. It was this Government who introduced the system, which was last examined in 1998. Controversial issues are clearly involved, but we want to ensure that we protect sport in the way that he has described while also meeting the needs of the public. We will read the report with great interest, and we look forward to our deliberations on it.

Product Placement

4. **Paul Rowen** (Rochdale) (LD): What recent discussions he has had on product placement in UK-made television programmes. [298013]

The Secretary of State for Culture, Media and Sport (Mr. Ben Bradshaw): I have had a number of discussions on product placement, and we have today issued a consultation document on the matter.

Paul Rowen: I welcome the Secretary of State's announcement today, but, as he said in his press statement, other European Union countries have already introduced a new regime and he does not want our commercial programme makers to be put at a disadvantage. Can he therefore tell us when he expects a new regime to be in place?

Mr. Bradshaw: I do not think the hon. Gentleman is quite right in saying that all other EU countries have already introduced it. Certainly, however, the vast majority of EU countries have indicated that, like us, they intend to move in that direction, and we would hope that, with the consultation launched today, we would be able to make a decision in January and a new regime would be introduced early in the new year.

David Cairns (Inverclyde) (Lab): With your permission, Mr. Speaker, may I congratulate my right hon. Friend on winning—this is long overdue—the Stonewall politician of the year award?

Knowing this question was coming up, over the weekend I started counting how often products were placed on the television programmes I was watching, which were mainly imported from the United States, and I gave up after counting well over 20 occasions. I am not remotely corrupted by this. We should stop being so prissy, get on with it, and give some money to ITV to make up for the huge drop in advertising revenue it has experienced.

Mr. Bradshaw: It was for those very reasons that I took a different view from my predecessor, although I think the arguments were finely balanced. However, the reason why we are having a consultation is because there are at the same time important safeguard issues, and important health issues around the protection of children and so forth. We want to make sure that we get this right so that we maximise income for producers and for commercial television, which is going through a very hard time at present, while at the same time ensuring that we have the correct safeguards in place.

Mr. John Whittingdale (Maldon and East Chelmsford) (Con): I welcome the consultation paper, and all of this does, of course, represent a complete reversal of the position of the Secretary of State's predecessor. Does the Secretary of State accept, however, that product placement will do only a small amount to assist commercial broadcasters, who are facing huge economic difficulty, and that we will need to go further and look at other deregulatory measures that will assist all the commercial public service broadcasters to survive?

Mr. Bradshaw: Yes, the hon. Gentleman is absolutely right to highlight that this will not be a panacea for commercial broadcasting. There are a number of things we can do to help ease the plight of commercial broadcasting further, and we are looking into them. Ofcom has in the last year relaxed the rules on the responsibilities of commercial broadcasting, such as in respect of news in the regions. As the hon. Gentleman will know, we have imaginative, sensible and practicable solutions to the problems and pressures facing regional news and other important areas of commercial broadcasting.

Mr. Lindsay Hoyle (Chorley) (Lab): Product placement is the way forward. Who knows? We may have something above the Speaker's Chair. This is a welcome move and goes a small way to ensuring that there is programme making within the great Granada region. However, will the Secretary of State do even more—he has touched on this—to make sure that regional news and current affairs programmes will continue to be made within "Granadaland"?

Mr. Bradshaw: Given the conservatism of this place, I suspect, Mr. Speaker, that your Chair is the last place where we will see a product placed. As far as I am aware, under the EU directive, products would not be allowed to be placed in news and current affairs programmes anyway. My hon. Friend's point about regional television news is very important. Many of us have seen our news regions amalgamated and journalists lose their jobs, and the quality and localness of news provision suffer as a result. That has happened in my own region of the south-west. The Government have come up with a sensible and imaginative way of securing the future of regional news, and it would be nice if we felt we had support from hon. Members on both sides of the House for that proposal.

Mr. Nigel Evans (Ribble Valley) (Con): Berry's in the Ribble valley make good chairs, Mr. Speaker, if you are thinking of going down the route just mentioned.

Clearly, we might see the end of Newton and Ridley beer being served at the Rover's Return on "Coronation Street", but we have some very good brews around my constituency—Bowland, Thwaites, Moorhouse's and the like—which could be served there. Does the Secretary of State agree that product placement should not be allowed in news programming, as people want to ensure the neutrality of programmes in that area?

Mr. Bradshaw: Yes, I do agree with that, but I do not agree that the hon. Gentleman's area has better beers than mine, Mr. Speaker, as you cannot beat a pint of Otter ale.

Illegal File Sharing

5. **Jo Swinson** (East Dunbartonshire) (LD): What plans he has to reduce levels of illegal file sharing; and if he will make a statement. [298015]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Siôn Simon): We intend to introduce legislation to address this serious problem in the next parliamentary Session. Our proposals include a system of notifications to those infringing copyright online and action against the most serious infringers.

Jo Swinson: I thank the Minister for that answer. There is genuine public concern about the Government's proposals, and in particular the prospect that people who have done nothing wrong could have their internet disconnected. An appeal system has been announced by the Government, but will the Minister give an assurance that people will have a chance to defend their innocence before any decision is taken to disconnect their internet connection?

Mr. Simon: I am grateful to the hon. Lady for that question. People who have done nothing wrong should not be in any danger of having their internet interfered with at all. Hardly anybody, other than the most serious and egregious recidivistic offenders, should ever be in danger of having any of their internet affected, and nobody will have their bandwidth squeezed or their account suspended until they have had repeated letters, been given a healthy notice period and then had a right of appeal—indeed, two rights of appeal—as she requests.

Mr. Brian Jenkins (Tamworth) (Lab): I welcome, as anyone does, the warm words spoken by my hon. Friend, but he must realise that when we set these organisations up they grow like Topsy; they start impinging and pushing the rules. Will he ensure that it is implicit in the Bill that that will not happen and that we will not create a large sledgehammer to crack a small nut?

Mr. Simon: I can assure my hon. Friend of that. We are not creating a sledgehammer; we are creating a light-touch regime to enforce the existing law.

Mr. Jeremy Hunt (South-West Surrey) (Con): Everyone understands the need for safeguards, but will the Minister confirm that, assuming the successful passage of the digital economy Bill, the earliest an illegal file sharer could have their internet connection temporarily cut off is February 2012? That is hardly an example of the Government at their most decisive.

Mr. Simon: First, no I cannot confirm that; how long it will take to reach that point will depend on how things go. In any case, how long it takes to get to a tiny number of very serious infringers having their internet interfered with is not the measure of success. If everything goes well, nobody will reach that point because earlier measures will do the job. I would be grateful if the hon. Gentleman could confirm to the House that he supports the proposals as they stand.

Mr. Hunt: I am happy to confirm that the Conservatives support the proposals. We just do not think that they, on their own, will do the job. Does the Minister accept that if we are to tackle this problem, we also have to look at reforming the outdated intellectual property laws on digital content? If we do not do that, we will not, in the end, deal with the nub of the problem. Will the Secretary of State be addressing intellectual property laws or will that issue be put in the file marked "Post-election: someone else's problem"?

Mr. Simon: That issue is very firmly in the file marked "Announced by my right hon. Friends at the Department for Business, Innovation and Skills last week." As the hon. Gentleman says, we need reform of licensing and copyright legislation to bring the system into line with the new technology. That goes hand in hand with the measures to enforce copyright online, as does the message sent out clearly from the Government that the content industries, which will profit from these measures, need to step up to the plate and put some work in to develop new business models and new technology to give people what they need, at a price they can afford.

Football Association

6. **David Taylor** (North-West Leicestershire) (Lab/Co-op): What recent discussions he has had with the Football Association on reforms to its (a) management structure and (b) role; and if he will make a statement. [298016]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Gerry Sutcliffe): I wrote to the Football Association, as well as the premier league and the Football League, on 23 September, outlining the Government's views on their responses to the seven governance and regulation questions put to them by a former Secretary of State. In that letter, I asked those bodies to work more closely together on key issues in football and to support the full implementation of Lord Burns' recommendations in his 2005 report. I will be meeting all three organisations in the very near future to discuss these issues.

David Taylor: The FA is not implementing the 2005 Burns report and still has a management board that fails to respect and reflect the diversity of those involved in our national game. What more can the Minister do, given the FA's attitudes, to protect the interests of supporters, players and clubs by dragging this antediluvian, dysfunctional clique out of the 1950s?

Mr. Sutcliffe: My hon. Friend should say what he means. Clearly, there are issues to address, and the whole purpose of this correspondence and these meetings, and the Burns recommendations in particular, is to do that. Progress has been made—there is now an independent chairman of the FA, which is a step in the right direction, and we have seen support for women's football—but I believe that more can be done. I am looking forward to raising these issues with these organisations in the very near future.

Listed Buildings

7. **Ann Coffey** (Stockport) (Lab): What recent representations he has received on the level of Government spending on listed buildings; and if he will make a statement. [298017]

The Minister of State, Department for Culture, Media and Sport (Margaret Hodge): Ministers and officials regularly receive representations on listing issues, including funding, from a wide range of partners. More than £26.5 million was made available via English Heritage grant schemes in 2008-09 for the repair of listed buildings and other heritage assets.

Ann Coffey: I thank my right hon. Friend for that answer. The current system of listing buildings can hold up development and lead to additional costs. In the case of Stockport college, in my constituency, that meant that a capital grant from the Learning and Skills Council for phase 2 development was almost entirely spent on improving two listed buildings with no educational benefit to any young person. That cannot be right. Will my right hon. Friend meet me to discuss my concerns about the current system of listing buildings?

Margaret Hodge: I am very happy to meet my hon. Friend in the near future to discuss the issues and I know that she has written to me about them. She raised two issues of substance. The first is the delay in considering the listing of buildings. We try to get the decisions out within six months, but that does not always happen and we should strive continuously to improve that. The second issue is the balance that has to be struck between ensuring that we protect our heritage, particularly buildings of historic and architectural value, and that buildings are fit for purpose and can be used, particularly by public bodies.

Sir Patrick Cormack (South Staffordshire) (Con): Bearing in mind that Canterbury, Lincoln and Lichfield cathedrals alone—to name but three—are looking for more than £26.5 million, will the right hon. Lady accept that that is not an enormous sum in the face of the problem? Will she encourage her Treasury colleagues to reconsider allowing private owners to offset the cost of maintenance against tax, freeing more money for public buildings?

Margaret Hodge: I hope that the hon. Gentleman, with his great interest in these issues, will accept that the investment that we have made in churches and cathedrals over the past decade or so has been successful in dealing with some of the worst dilapidations that have occurred in those wonderful heritage assets. I assure him that I make constant representations to my right hon. and hon. Friends in the Treasury to see whether we can get some leeway to ensure that more resources are given to conserve our heritage assets.

Mr. Mark Hendrick (Preston) (Lab/Co-op): Will my right hon. Friend resist any temptation to list Preston bus station, which has little or no architectural merit and has had an application rejected in the past? The current application is being used purely as a tactic to stop the redevelopment of Preston city centre.

Margaret Hodge: I thank my hon. Friend for his question. That particular building has not been drawn to my attention so far, so I am grateful to him for doing so. I shall look in detail at all the representations I receive in coming to my decision.

Mr. Edward Vaizey (Wantage) (Con): Listed buildings are part of our national heritage—a national heritage that the Secretary of State described last week in disparaging terms as "the past, old buildings" and "monuments". Does that explain why the Minister's Department has cut funding to English Heritage by £100 million, more than halved lottery funding for heritage and withdrawn the draft Heritage Protection Bill?

Margaret Hodge: Let me talk first about heritage funding. I would have thought that Opposition Members would support the Government as we try to ensure that investment in our heritage goes to supporting the assets rather than the bureaucracy of particular organisations. Although it might be true that English Heritage's funding has kept level over the past few years, the investment in our buildings has increased. We now invest some £600 million per annum in heritage across the piece. I do not accept the hon. Gentleman's assertion that there has been a decline in the funding of heritage. Indeed, I look forward to what he will say in his manifesto about the investment that we will have in heritage rather than the cuts that we will have in the Department for Culture, Media and Sport and its bodies.

On the Bill that failed to get time in Parliament, I regret that that happened but I am taking forward a lot of the propositions in it. Earlier, we discussed the Bill on spoliation that my hon. Friend the Member for Hendon (Mr. Dismore) has successfully piloted through both Houses. We are managing to put other elements of the Bill into effect without the legislation, but we will continue to look for an early legislative opportunity both in this Parliament—

Mr. Speaker: Order. I think that we have the gist of the right hon. Lady's reply.

Byron Review

8. **Keith Vaz** (Leicester, East) (Lab): What steps his Department has taken to implement the recommendation of Professor Byron's review on safer children in a digital world. [298018]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Siôn Simon): Professor Byron's wide-ranging recommendations require cross-Whitehall co-operation. My Department is working as part of the UK Council for Child Internet Safety, as well as providing the new legislative framework we announced in "Digital Britain" to enable implementation of her recommendations.

Keith Vaz: The Minister will be aware that at midnight a new and violent video game, "Call of Duty: Modern Warfare", is to be released. It contains scenes of such brutality that even the manufacturers have put warnings in the game telling people how they can skip particular scenes. Given the recommendations of the Byron review, specifically paragraphs 32 and 33, what steps do the Government propose to take to ensure that such violent games do not fall into the hands of children and young people? This is not about censorship—it is about protecting our children.

Mr. Simon: The clearest recommendation of the Byron review is that content suitable for adults should be labelled and sold as such, and that it should be an offence to sell such content to children. That is the case under current law and it will be the case when the law changes under the digital economy Bill. The game to which my right hon. Friend refers is certificate 18 and should not be sold to children. The Government's job is to ensure that what adults should be able to get is clearly labelled, and that children are not in danger of being subjected to adult content.

Mr. Tom Watson (West Bromwich, East) (Lab): I have seen the content of the video game. It is unpleasant, although no worse than in many films and books. The game carries a content warning. It is an 18-plus game, and carries the British Board of Film Classification 18-plus rating as well. Does the Minister agree that it would be better for Members of the House to support the many thousands of game designers and coders, and the many millions of game users, rather than collaborating with the *Daily Mail* to create moral panic over the use of video games?

Mr. Simon: I was in Dundee last week visiting the video games industry, and I certainly agree that it is a large and important industry in which we have a national competitive advantage. It is important that all Members of the House and the Government continue to support it.

Lottery Grants

9. **Mr. Henry Bellingham** (North-West Norfolk) (Con): When he next expects to meet representatives of the national lottery distributors to discuss lottery grants to community halls. [298019]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Siôn Simon): I meet lottery distributors regularly. The Big Lottery Fund and its predecessors alone have made grants totalling £450 million to community buildings across the UK.

Mr. Bellingham: During this week of remembrance, does the Minister agree that a group we should not forget is the one looking after the interests of many veterans, both young and old—namely, the Royal British Legion? Can he tell the House why numerous British Legion bids to the national lottery for new premises or repairs to existing premises have been turned down?

Mr. Simon: As the hon. Gentleman knows, I cannot comment in detail about individual bids. I can tell him that the money currently used to support veterans, partly in the way he describes and partly, for instance, in enabling them to take trips back to their battlegrounds with their comrades in their declining years, would unfortunately all be cut under the rather ill-thought-out plans of members of his Front Bench.

Competitive Sport (Schools)

10. **Mr. Adam Holloway** (Gravesham) (Con): What his policy is on the promotion of competitive sport in schools; and if he will make a statement. [298020]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Gerry Sutcliffe): Under this Government, there has been record investment in school sport—more than £2 billion since 2003. From an estimated one in four young people doing two hours a week of sport in school in 2002, 90 per cent. are now doing two hours, and more than half are doing three hours. We have raised admission to offer every young person five hours per week, with three hours for 16 to 19-year-olds; 32 per cent. already do that amount, and we are making access to regular competitive sport a key part of our proposed new pupil guarantee.

Mr. Holloway: How can we give support to competitive sport in schools when national lottery funding has gone down by more than 50 per cent. since 1997?

Mr. Sutcliffe: We fund school sport in a variety of ways, including direct funding from Government. The hon. Gentleman will congratulate the Government on the £100 million we are spending on school sport, although he may be embarrassed by the performance of the previous Conservative Government on school sport. I hope he will support all the initiatives that we are taking forward.

Mr. Don Foster (Bath) (LD): Regarding the Minister's target for 16 to 19-year-olds, will he confirm that currently 63 per cent. of 16-year-olds and 81 per cent. of 19-year-olds are not meeting the target? With fewer than 1,000 days to go before the target is meant to be achieved, what new policies does he have? Will he at least look at young offender institutions, where the target is already being exceeded?

Mr. Sutcliffe: I was previously the Minister with responsibility for prisoners and young offenders, so I am pleased that sport is taking place in young offender institutions. I am able now, in the role of Minister for Sport, to make sure that a growing number of children participate in school sport. The 16 to 19 age group is difficult but we are making sure, through investment in whole sport plans, that governing bodies tackle those areas where there are difficulties in recruiting people into sport. The good news is that we are offering a diversity of sport. Gone is the stereotyping whereby boys played cricket, football and rugby, and girls played netball and hockey. We are offering many more sports so that young people have alternatives and can have a go at different sports, rather than only the traditional ones, because there are many other things that young people can do.

Sport (Young People)

11. **David T.C. Davies** (Monmouth) (Con): What steps he is taking to encourage young people to participate in sport; and if he will make a statement. [298021]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Gerry Sutcliffe): In the run-up to the 2012 Olympics and Paralympics, as part of our legacy promises, we want to create a world-class system of PE and sport for young people in England. We have raised our ambitions to offer every child five hours of high quality PE and sport per week, with three hours for 16 to 19-year-olds. Between 2008 and 2011 we are investing over £780 million through the PE and sport strategy for young people, bringing total Government investment to more than £2.4 billion since 2003.

David T.C. Davies: I wonder whether the Minister shares my concern that some of the money that could be spent on building good sports facilities for young people is being spent on paying very large salaries and expenses for people running the Olympic games, and some of the money finding its way into schools is being spent on computer games consoles. Does he think that that is a good use of public money?

Mr. Sutcliffe: Investment in the Olympics is superb and the whole country will benefit from the Olympic games being held in London. The people contributing to the success of the building of the stadiums and the people involved in organising and running the games are doing a fantastic job. The inspiration from the Olympic games as well as the decade of sport that we are undertaking will mean that young people from all over the UK benefit from sport and have the opportunity to lead healthier lives.

Sir Peter Soulsby (Leicester, South) (Lab): I welcome the Minister's statement in response to the question. Does he agree that it is particularly important to give support to sport for young people with special needs? Will he join me in welcoming the work of the Special Olympics movement in the UK and the very successful Special Olympics that were held in my constituency in Leicester this year?

Mr. Sutcliffe: I am happy to praise the Special Olympic movement and Leicester, the people of Leicester and my hon. Friend for the work that they carried out in order to hold successful games in July. My right hon. Friend the Minister for the Olympics was at the opening ceremony and I was heavily involved in the organisation of the games. It shows that sport should be available to everybody. The Special Olympics is a movement that I want to support to make sure that sport can reach all parts.

Mr. Humfrey Malins (Woking) (Con): May I stress to the Minister the importance of team sport, especially for young men? Those who play team sport in our young offender institutions are less likely to reoffend when they come out. Given the importance of team sport, what can he tell us about promoting team sport, especially among young men?

Mr. Sutcliffe: It is important that we promote sport in all its forms because sport can raise individual self-esteem, teach people about team work and help us with other life skills that we need. We have made it the responsibility of sports governing bodies to develop and grow their sports. They know their sports best. We are looking to them and we will measure how successful they are in making sure that team and individual sports grow, so that everybody has the opportunity to reach our ambitious target of 2 million more people being involved in sport and physical activity by 2012.

Rob Marris (Wolverhampton, South-West) (Lab): Racism in sport is one thing that can put off young people and others. The Commission for Equality and Human Rights seems completely uninterested in doing anything whatever about that under the useless Trevor Phillips. Can the Minister do anything to encourage the CEHR to take the issue seriously?

Mr. Sutcliffe: I congratulate my hon. Friend on being a marvellous advocate for sport free of racism. I am concerned about his feelings and will write to him in due course and make sure that we raise the issue in the appropriate places.

Overseas Tourists

13. **Mr. Hugo Swire** (East Devon) (Con): How many overseas tourists visited England in each of the last three years; and if he will make a statement. [298023]

The Minister of State, Department for Culture, Media and Sport (Margaret Hodge): The number of overseas tourists who visited England in each of the past three years is as follows: in 2006, 27,586,288; in 2007, 27,794,425; in 2008, 27,291,584. Figures for 2009 show a downward trend in numbers, reflecting the global recession and particularly a downturn in business tourism. However, spend by those tourists is up by 2 per cent. compared to last year. In the month of July, domestic tourism increased by 20 per cent. compared with July 2008, which is the best figure we have had for quite a long time.

Mr. Swire: I am glad to say that many of those tourists from overseas are coming to this country, not least on account of the euro, and coming to the south-west, where we have a huge amount of furnished holiday lettings. The Minister will be aware that the Government have said that the furnished holiday lettings tax regime needs to change. Why does she think that it needs to change, with the European view having been taken on so quickly? Has she heard from her European counterparts about whether they wish to implement those tax changes?

Margaret Hodge: I have not heard from my European counterparts, but I reassure the hon. Gentleman that I am in close discussion with Treasury colleagues on that issue.

Public Houses (Closures)

14. **Sir Nicholas Winterton** (Macclesfield) (Con): What estimate he has made of the number of public houses that have closed in the last 12 months. [298024]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Gerry Sutcliffe): We understand that in June this year, CGA Strategy, the pub and drinks market analyst that tracks the pub closure rate on behalf of the British Beer and Pub Association, estimated that 2,377 pubs had closed over the previous 12 months.

Sir Nicholas Winterton: Does the Minister accept that that is a tragedy? In many urban areas outside towns and in many rural areas, the pub is the only social community facility. Will the Government introduce some policies to try to preserve pubs in this country, even if that goes against their inclination to increase tax on beer? Beer is a popular British tradition. I like it, people like it, let us keep it.

Mr. Sutcliffe: Of course, tax is a matter for the Chancellor and the Treasury, and I am sure that the Chancellor will have heard the hon. Gentleman's comments. However, I agree that pubs play a major role in our communities, whether in urban or rural areas. We have been happy to support the community pubs initiative; we are supporting the sector where we can; and I was happy to respond to and, indeed, accept most of the recommendations concerning pub closures from the all-party beer group, chaired by my hon. Friend the Member for Selby (Mr. Grogan). We have to accept that there has been a change in drinking culture, with people having different drinks, but we certainly want to support community pubs, and we will do our best to make sure that we do so.

Football Stadiums

15. **Mr. Philip Hollobone** (Kettering) (Con): Whether the Government provide support to football clubs to improve or develop their stadiums. [298025]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Gerry Sutcliffe): The Government currently do not provide any financial support to improve or develop professional football club stadiums. However, the football stadia improvement fund, which is funded equally by the premier league and the Football Association and administered by the Football Foundation, has to date invested more than £100 million in 1,099 projects. My Department also sponsors the work of the Football Licensing Authority, which, by working with clubs, local authorities and the emergency services, will help to ensure that our football stadiums are some of the safest in the world.

Mr. Hollobone: Would the Minister for Sport accept an invitation from me to visit Kettering Town football club for its FA cup second round clash with Leeds United, when he might be able to discuss with the club and its fans potential Government support, through planning guidelines or finance, for the redevelopment of the stadium?

Mr. Sutcliffe: I might take the hon. Gentleman up on his offer, as the next game is against Leeds United, and Kettering beat Hartlepool 1-0 on Saturday. That shows that the Sport Minister is well informed. The serious point is that clubs such as Kettering Town act as a strong community focus, and if there are issues about planning or any other areas where we can offer support, we will do that.

Topical Questions

T1. [298029] **Mr. John Grogan** (Selby) (Lab): If he will make a statement on his departmental responsibilities.

The Secretary of State for Culture, Media and Sport (Mr. Ben Bradshaw): My Department has a broad range of responsibilities. Today I had the privilege to open with the German ambassador an art installation by a young Welsh artist and a young German artist to commemorate the happy events in Berlin 20 years ago. It is an ice wall in the middle of the street outside the German embassy in Belgrave square, not far from here; and, if hon. Members get the chance, it is well worth seeing before it melts.

Mr. Grogan: Will Ministers urge Ofcom to press ahead with remedies for excessive concentration in the pay TV market—BSkyB accounts for 85 per cent. of all subscriptions—and so increase choice, value and competition for TV viewers across the range of cable, satellite and broadband platforms?

Mr. Bradshaw: I am sure that Ofcom will have heard the words of my hon. Friend, who has submitted his own representations to its review. It is not up to me to tell Ofcom how to conduct its reviews—it is an independent regulator—but so far it has conducted them well and speedily, and I expect this one to be no different.

T2. [298030] **Mr. Mark Harper** (Forest of Dean) (Con): Rural areas such as mine often have slower broadband speeds than in urban areas, which damages consumers and business. The Secretary of State's solution is a broadband tax. We do not support that, but since he does, can he confirm that the £150 million or so that it will raise each year means that it will take some 20 years to pay for the necessary investment?

Mr. Bradshaw: No. The hon. Gentleman is assuming that that will be the only source of funding, but it will be pump-priming. We have come up with the idea of a modest levy which represents a smaller amount than that which people have saved from their fixed lines because of the reductions in bills over recent years, yet his party has come up with absolutely no solutions for funding. It is amazing to me that Conservative Members, who represent rural areas in particular—it is the rural areas that will lose out, because the market will not deliver broadband to them—have so far offered no solution. We have a solution; I hope that he will support it.

T4. [298032] **David Taylor** (North-West Leicestershire) (Lab/Co-op): Tory-dominated Leicestershire county council is ignoring Disraeli's aphorism, "The most successful man is he who has the best information", in planning to slash spending by replacing dozens of professional librarians with self-service machines. Will the Minister ensure that library services in Leicestershire and elsewhere are protected from such miserly cuts by making this vital service a statutory one?

The Minister of State, Department for Culture, Media and Sport (Margaret Hodge): The service is already statutory under the Public Libraries and Museums Act 1964. Local authorities have a duty to provide a comprehensive and efficient library service. I hope shortly to publish a consultation paper so that we can discuss how libraries can be fit for purpose in the 21st century.

T3. [298031] **Mr. Henry Bellingham** (North-West Norfolk) (Con): Is the Secretary of State aware that numerous grass-roots community groups in my constituency have received welcome grants from the excellent Awards for All scheme? Why has that scheme now been scrapped?

Margaret Hodge: It has not.

T6. [298035] **Ann Coffey** (Stockport) (Lab): My right hon. Friend will be aware of the strong interest of north-west publishers, including the publishers of the *Manchester Evening News* and the *Stockport Express*, in becoming the English pilot for regional news. Can he give me any further information as to the time scale for making that decision?

Mr. Bradshaw: I am well aware of, and gratified by, the strong interest in the north-west—as in most of the English regions and in Scotland and Wales—in the Government's proposals to help to save the very important service of regional news. We hope to proceed with this as soon as possible. We will be going out to tender shortly, and we hope to announce by March the preferred bidders for the English region chosen and for Wales and Scotland.

T5. [298033] **David T.C. Davies** (Monmouth) (Con): Could one of the Ministers tell us why people who are registered blind still have to pay 50 per cent. of their TV licence? Is it so that the BBC can continue to bribe people with London living allowances to live in Manchester?

Mr. Bradshaw: The hon. Gentleman will be aware that that issue was discussed in great detail at the time of the last licence fee review. As he will be aware, this Government introduced concessions for TV licences for the elderly, but there was no consensus, in this House or among several different organisations representing different interest groups, on who else should be added to the list—so none was added. The time to make those representations is during the next licence review; given what he says, I am sure that he will do that.

Miss Anne Begg (Aberdeen, South) (Lab): Have my right hon. and hon. Friends had a discussion with STV about the reconfiguration of its news programmes? People are very concerned about that in the north-east of Scotland, particularly in my constituency, where broadcasts are made under what used to be the Grampian licence—the studios are in my constituency. I am concerned that that area of news will be sucked into Glasgow and have a central-belt bias.

Mr. Bradshaw: I was in Glasgow last week discussing that very matter with the director of STV, who assured me that its plans for the future would safeguard and build on the local and sub-regional provision to which STV is committed. In order to do that, however, it needs to have a sustainable funding model. That is why it is important that Members in all parts of the House get behind and support our proposals for these regional—or, in the case of Scotland, independently funded—news consortiums to put regional news on a long-term sustainable footing. Without some level of intervention, the market will not sustain it for the long term.

Pete Wishart (Perth and North Perthshire) (SNP): Does the Secretary of State agree that, if we are serious about growing our creative economy and determined that artists and creators are properly rewarded for their work, we must effectively challenge illegal file sharing and end the something-for-nothing culture that exists online? Will he assure me that when he brings forward the digital economy Bill he will consider all necessary measures to protect the 2 million jobs in the creative industries and ensure that creators are properly rewarded for the work that they produce?

Mr. Bradshaw: I am delighted to have that level of support from the hon. Gentleman, which is perhaps not surprising given his previous career. Yes, I will do that, and he is right to highlight the importance of the creative industries to the UK economy. Not many people realise this, but the United Kingdom is No. 1 in the world in the proportion of gross domestic product in the creative industries. This Government want to ensure that we stay that way.

David Cairns (Inverclyde) (Lab): On his visit to Glasgow, the Secretary of State heard the good news from BBC Scotland about the increase in programmes made in Scotland that are shown throughout the network. Does he agree that the timetable for meeting its target by 2016 is a bit generous, and that it could do it more quickly?

Mr. Bradshaw: I have some sympathy with that, and in my conversations with the senior BBC management in Scotland they seemed to acknowledge that they could do it a bit quicker than that.

T7. [298036] **Sir Nicholas Winterton** (Macclesfield) (Con): A redundant church in Macclesfield, Christ church, in the centre of the town, is a magnificent part of Macclesfield's heritage. With a certain amount of money spent on it, it could become a wonderful community facility. The Churches Conservation Trust does not have a great deal of funds. Will the Minister meet me and the CCT to discuss the matter, so that that building can be saved and used for the benefit of people?

Margaret Hodge: I would be delighted to meet the hon. Gentleman, and of course there are other opportunities for funding to turn some of our churches into facilities that are open to the community.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): In considering regional news pilots, will my right hon. Friend the Secretary of State take into account the experience of the consolidation of ITV news programmes, and also the quality of media such as we find in the south-west?

Mr. Bradshaw: Yes. My hon. Friend and her constituents in Plymouth have suffered in the same way as mine in Exeter from the deterioration in both the quality and localness of regional news provided by ITV in the past 12 months. That is exactly why the Government have brought forward our proposals. Not only do I think that we can avert any further decline, but I think that we can return to much higher-quality and more local news provision on ITV with those proposals.

T9. [298038] **Mr. Philip Hollobone** (Kettering) (Con): Rugby has Twickenham, football has Wembley and now volleyball has Kettering. Would the Minister like to congratulate the English Volleyball Association on choosing Kettering for its national training and competition centre, which opened at the weekend?

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Gerry Sutcliffe): Of course I would love to do that—congratulations to Kettering. The world-class facilities that we now have up and down the country show that the investment that we have put into sport is coming to fruition. There are world-class facilities not only for elite sport but for community and school sport.

Mr. Tom Watson (West Bromwich, East) (Lab): Following on from the question asked by the hon. Member for Perth and North Perthshire (Pete Wishart), can the Secretary of State guarantee that if the additional income generated by his measures to cut off illegal file sharers does not exceed the cost of the regulatory burden, he will shelve his plans?

Mr. Bradshaw: I would think that that is highly unlikely in practice. As my hon. Friend knows, the film industry alone estimates that it is currently losing £200 million a year because of theft from illegal file sharing. I suggest that the regulatory costs of introducing the legislation will not get anywhere near that amount.

Christopher Fraser (South-West Norfolk) (Con): During business questions last week I called for a debate on the legacy of the London Olympics and was told to bring up the subject today, so I am. Given that there is genuine concern about the promise of increased grass-roots participation in sport not being delivered upon, and the fact that there are 1,000 days between now and the Olympics, will the Secretary of State join my call for a debate on this very important subject as soon as possible?

Mr. Bradshaw: The hon. Gentleman is wrong. Both our targets—1 million extra people becoming physically active and 1 million extra people becoming involved in sport—are on target, and we will deliver them.

Rob Marris (Wolverhampton, South-West) (Lab): There are huge discrepancies in Arts Council revenue and grant funding in Birmingham and the black country boroughs. For example, Birmingham receives 15 times per capita the amount that Wolverhampton does. Will the Minister please look into that?

Margaret Hodge: Indeed I will. It is really important that there is a proper regional spread of Arts Council funding, and more important that funding is not concentrated in the regional cities but goes out to all the surrounding areas.

Mr. Peter Bone (Wellingborough) (Con): I congratulate the Secretary of State on being voted Stonewall politician of the year, but I am somewhat disappointed to find that in the annual review for ministerial responsibilities, he has been demoted to the bottom of the Cabinet. Does the Prime Minister not share the other organisation's view of him?

Mr. Bradshaw: I do not know to what list the hon. Gentleman is referring, but I suspect that it is the list that is regularly published. I suspect the reason why I am 14th or last or whatever it is in the list is that I am the most recently appointed.

OLYMPICS

The Minister for the Olympics was asked—

Budget

1. **Mr. David Evennett** (Bexleyheath and Crayford) (Con): What recent discussions she has had on the size of the Olympic budget; and if she will make a statement. [298001]

The Minister for the Olympics (Tessa Jowell): The budget of £9.325 billion that I announced in March 2007 remains unchanged. I publish regular quarterly economic updates, the next being due at the end of November, and I provide regular financial briefings, which are sometimes commercially sensitive, to Opposition spokesmen.

Mr. Evennett: I thank the Minister for her response on an issue that is of considerable concern to my constituents, who will be paying quite an amount and footing a lot of the bill for the Olympics, which we strongly support. However, will she give details about which operations will be scaled back if there is a shortfall in sponsorship or private sector investment?

Tessa Jowell: First, I am quite sure that the hon. Gentleman's constituents will celebrate with the rest of London when the games are held. It is important to remember that 89 per cent. of the budget is being borne by sources other than London. Every host city makes a contribution.

On the hon. Gentleman's point about scaling back, the London Organising Committee, which is a private company, is on target, even during a recession, with its sponsorship income budget. Of course, we keep these things under regular review, but the committee should be congratulated on its success.

Hugh Robertson (Faversham and Mid-Kent) (Con): According to the memorandum of understanding signed between the Minister and the previous Mayor in June 2007, the national lottery is due to be repaid once the London Development Agency has recovered its land acquisition and disturbance costs. In that memorandum of understanding, it was explicitly stated that those costs were not expected to exceed £650 million. Is that estimate still accurate?

Tessa Jowell: The figure that was used in the memorandum of understanding, as the hon. Gentleman will remember, was the most conservative figure at the time, which represented the lowest point in performance of land sales for a 20-year period. Obviously, given the impact of the global downturn on land prices, decisions about the sale of the Olympic lands will be taken in the best possible market conditions, but the formula for distribution and reimbursement of the lottery remains the same.

Site Landscaping

4. **Miss Anne McIntosh** (Vale of York) (Con): What recent developments there have been in landscaping the site of the London 2012 Olympics. [298004]

Tessa Jowell: I know that the hon. Lady has a great interest in the matter of landscaping in the Olympic park, which is progressing well. Land is being prepared for planting, including the installation of drainage and extensive irrigation systems. Last week Her Majesty the Queen planted the first of what will be 2,012 trees in the park—a mature willow tree grown in Milton Keynes. In fact, the plants for the park have been sourced from Hampshire, Thetford and Wales. I will shortly announce the result of the great British garden competition run in collaboration with the Royal Horticultural Society.

Miss McIntosh: I am delighted that some nurseries and horticultural companies from the United Kingdom will benefit, but can the Minister say for what reason companies such as Johnsons of Whixley in the north of England, which can source excellent plants for a showcase for the landscaping of the games, have not been chosen? Will she assure me that such companies are just as eligible for the competition as others in the UK?

Tessa Jowell: Obviously, I cannot specifically comment on that business, which I believe is local to the hon. Lady's constituency, but all such contracts will be advertised on the CompeteFor website. We are very fortunate with the very wide range of horticultural suppliers, and I urge all horticulturalists in her constituency to bid again.

Tom Brake (Carshalton and Wallington) (LD): What assessment has the Minister made of the role that volunteers could play in the landscaping of the site? She will be aware that 250,000 people have already volunteered. Will she ensure that they are brought into use as soon as possible—indeed, given those volunteering opportunities immediately?

Tessa Jowell: I agree with the hon. Gentleman that there is a tremendous enthusiasm for people giving their time as part of the Olympics, not only in London but around the country. We want to ensure that that energy and that will to give time, motivated by the Olympics, is fully utilised in a variety of ways, and we will make announcements about that at the beginning of next year. On his point about involving volunteers in the park, some 20 primary schools—the construction crew—take part in such activities. I know that the organising committee and the delivery authority will want to maximise that.

Educational Materials

5. **Nia Griffith** (Llanelli) (Lab): What discussions she has had with the Secretary of State for Children, Schools and Families on the development of educational materials based on the London 2012 Olympics. [298005]

Tessa Jowell: The opportunities for children in schools are enormous. We have already announced the Get Set programme, which is in 12,000 schools. It involves young people in Olympic-related projects, which are a reflection of Olympic and Paralympic values. I encourage hon. Members to encourage their local schools to become involved in the programme if they have not already done so.

Nia Griffith: Does the Minister agree that, in addition to the economic benefits that can come to Wales and other parts of the UK through hosting Olympic teams, we should do everything that we can to encourage community groups and schools to take advantage of all the possible cultural exchange and understanding that can take place?

Tessa Jowell: My hon. Friend is absolutely right, and I know that she regularly raises this point on behalf of her constituents. There are benefits to be gained for the whole country. She rightly refers to the cultural Olympiad and I am sure that her constituents will have noticed that the steel for the aquatic centre was rolled in Neath. The whole country is supplying materials for the Olympic park, and that can be an inspiration for communities and constituencies such as hers.

Budget

7. **Mr. Henry Bellingham** (North-West Norfolk) (Con): When she next expects to meet the London Organising Committee for the Olympic games to discuss the budget for the London 2012 Olympics. [298007]

Tessa Jowell: I meet the chairman and chief executive of the London Organising Committee of the Olympic Games and Paralympic Games on a regular basis. We discuss a range of issues, including its budget for staging the games, and the Government's budget for construction, security and wider delivery.

Mr. Bellingham: Can the Minister confirm that the LOCOG budget will be met 100 per cent. by the private sector, and that there will be no recourse to funding from taxpayers' funds?

Tessa Jowell: The organising committee is confident that its budget is secure. There are obviously aspects of staging the games that rightly fall to the public sector and some are shared responsibilities, including some aspects of security and other areas that we are working through with the organising committee at the moment. There is general confidence in the excellent success that it has had in raising money.

Sex Industry

8. **Fiona Mactaggart** (Slough) (Lab): Whether she has commissioned any research on the effect of increased visitor numbers for the London 2012 Olympics on demand for the sex industry; and if she will make a statement. [298008]

Tessa Jowell: My hon. Friend has a great record in championing tough action against the exploitation—*[Interruption.]*

Mr. Speaker: Order. I apologise for interrupting the Minister. I do not know how detectable it is elsewhere, but within the Chamber there are far too many private conversations taking place—*[Interruption.]* Order. I need no help from the hon. Member for Wantage (Mr. Vaizey). To put it bluntly, it is straightforward bad manners for people to witter away from a sedentary position when a question is being asked or answered.

Tessa Jowell: Major sporting events in the past have seen increases in sex trafficking and the exploitation of young men and women. We are absolutely determined to take every pre-emptive action that we can, with the Metropolitan police and with established voluntary organisations, to ensure that the London 2012 Olympics do not become a target for that vile trade and are not tainted as a result.

Fiona Mactaggart: The Minister will be aware that last week the House of Lords concurred with this House that if a man seeks to pay for sex with a woman who is trafficked or bullied into prostituting herself, he is thereby committing an offence. Will my right hon. Friend convene a meeting with the Mayor of London and others involved in the Olympics to consider how they can publicise that new offence in advance of the Olympics, so that people are not inadvertently caught because there is sex trafficking associated with it?

Tessa Jowell: I am very happy to accept my hon. Friend's suggestion of convening a meeting of all interested parties, to ensure both that we take effective action to deal with that potential problem and that men and women—young men may be open to exploitation as well as young women—are aware of their rights. The other important thing is to ensure that a clear message goes out to the traffickers that there is no point in coming to London.

Mr. Anthony Steen (Totnes) (Con) *rose*—

Mr. Speaker: If it is to be brief.

Mr. Steen: As always, Mr. Speaker.

The Minister says that she will work with the Met, yet the Met is planning to disband the Human Trafficking Centre in London. Bearing in mind that the traffickers see the Olympics as a honeypot, how can she tolerate that?

Tessa Jowell: The hon. Gentleman has a strong record in this area, and I would be happy to talk with him further about the issue. There is already a dedicated group in the Met working with the five boroughs, but I want the House to be under no misapprehension about how seriously the threat is taken. It is planning, well in advance of the games, that will ensure that it does not materialise.

FOI Request (Immigration)

3.32 pm

Chris Grayling (Epsom and Ewell) (Con) *(Urgent Question)*: To ask the Minister for Borders and Immigration if he will make a statement on the Freedom of Information Act investigation into the withholding of immigration documents.

The Minister for Borders and Immigration (Mr. Phil Woolas): This relates to a policy to clear a backlog of general immigration cases between 2002 and 2004. The incidents in question happened more than five years ago and were the subject of a full inquiry by Ken Sutton at the time, in 2004. The Home Office accepted that report in full and implemented all the recommendations made. The report can be read on the website and has been there since 2004.

A request for information from a Mr. Steve Moxon was received in January 2005. We have followed the processes as set out in the Freedom of Information Act. Some information was released when first requested. As the Act allows, some information was initially withheld on the basis of an exemption under the Freedom of Information Act 2000. The exemptions used were sections 36(2)(b)(i) and (ii), which relate to prejudice to the free and frank provision of advice and exchange of views. Those are qualified exemptions, subject to a public interest test, which means that they can be applied only where the public interest in disclosure is outweighed by that against. The decision was appealed by the individual under the process laid out in the Act. After consideration of that appeal, we upheld our decision.

In line with the procedures set out in legislation, the appellant exercised his right to appeal to the Information Commissioner. In March 2009, the Information Commissioner ruled that further information should be disclosed. We then released that information in April 2009.

Chris Grayling: This morning the Home Secretary used the front page of a national newspaper to say that he wanted to start a national debate about immigration. It is a shame that he is not here to start that debate this afternoon.

More and more evidence is now emerging to suggest that the Government broke freedom of information laws and tried to cover up a deliberate change of policy designed to encourage much higher immigration, very probably for party political purposes.

Two weeks ago, a former Home Office adviser, Andrew Neather, was widely reported as saying that Ministers had covered up a secret plan to allow in more immigrants and to make Britain more multicultural. When I put those allegations to the Minister, he said, quite extraordinarily, that he had not and that he did

> "not know to whom or to which reports the hon. Gentleman refers."

—[*Official Report, House of Commons*, 26 October 2009; Vol. 498, c. 7.]

Let us hope that he can do better today.

First, there was what was originally a secret plan. Will the Minister confirm that what he was talking about back in 2002 was a relaxation of the rules for clearing immigration applicants so that those who had been waiting more than 12 months would be granted clearance to stay without any further investigation into their cases? Will he also confirm that the head of the Immigration and Nationality Directorate said in an e-mail to the then Minister that that involved

> "pragmatic grants, i.e. not pursing every angle which could conceivably justify a refusal",

and that the policy meant that

> "some risks would have to be taken"?

Will he also confirm that Ministers were aware of that policy change and that they accepted that it involved taking risks with immigration applications?

Then there was the cover-up. Will the Minister confirm that the Home Office tried to withhold documents outlining that policy change from the Information Commissioner? I have copies of those documents, and they are clearly marked "withhold" at the top. Will he also confirm that the Information Commissioner found the Home Office guilty of breaking the law, and ordered the documents marked "withhold" to be released? Will he tell the House why Ministers broke the laws that this Government had passed?

The Home Secretary says that he wants a rational debate on immigration, but why on earth does he think anyone will take him seriously in that debate when it is now clear that this Government have set out deliberately to deceive the British people, and have proved utterly incapable of telling them the truth about their policies on immigration.

Mr. Woolas: Mr. Speaker, I seek your guidance on the hon. Gentleman's accusation that Ministers deliberately deceived the British public.

Mr. Speaker: My understanding is that no personal charge against an individual Minister has been levelled—*[Interruption.]* Order. Secondly, the hon. Gentleman is absolutely entitled to seek a ruling on the matter. The infraction occurs if a Member accuses another Member of misleading the House or of dishonesty to the House. I was listening intently, and I have quite big ears, but I did not hear that.

Mr. Woolas: I am very grateful, Mr. Speaker, for your confirmation that that was not the accusation by the Opposition spokesman, who has just, in this House, accused Ministers of breaking the law.

Perhaps I could address what is clearly the hon. Gentleman's latest political gimmick. He seems to ascribe to Ministers a motive that he had when he made his rather embarrassing gaffe at the Conservative party conference. He has brought before the House this afternoon—*[Interruption.]* These are serious accusations.

Mr. Speaker: Order. I am sorry to interrupt the hon. Gentleman. The hon. Member for Croydon, South (Richard Ottaway) has relatively recently toddled into the Chamber—*[Interruption.]*

Richard Ottaway (Croydon, South) (Con) *rose—*

Mr. Speaker: Order. If the hon. Gentleman came in earlier, so be it—I am happy to concede the point—but I am concerned with the issue of substance. I do not want sedentary chuntering of the kind in which he regularly indulges. I do not want to hear that.

Mr. Woolas: Let me explain the background to the House. As I said in my answer to the urgent question, the policy issues were dealt with thoroughly and comprehensively by the Sutton inquiry, and are not the subject of the question tabled today. That rather reveals the motive for asking the question. The hon. Gentleman referred to Mr. Neather, the *Evening Standard* correspondent, who wrote in that paper on 26 October:

> "My views have been twisted out of all recognition."

That is what Mr. Neather, whom the hon. Gentleman prays in aid, said.

On the freedom of information request, the serious allegation was that we broke the law. In fact, the instruction from the Information Commissioner was issued on 5 March 2009, and on 9 April, in line with that ruling, we disclosed the information—to little or no comment at the time, if I may say so. That again calls into question the hon. Gentleman's motive in asking this question.

The plain fact about the policy issue in 2004, which was the subject of debate at the time, is that the then Minister acted entirely honourably. I do not know whether she is in her place now, but hon. Members will recall that my right hon. Friend the Member for Stretford and Urmston (Beverley Hughes) acted entirely honourably and took full responsibility for what happened at the time. The backlog legacy programme that was put in place was designed to deal with a backlog that had accumulated not only under this Government; as I said in the House last week, it went back to Willie Whitelaw's time. Once again, we are having to clear this matter up.

Chris Huhne (Eastleigh) (LD): We will sustain public consensus behind the value of legal immigration only if controls are effective and illegal immigration is firmly countered. That has clearly not been the case. First, there is clear evidence that immigration policy was to grant applications rather than to refuse them, and to give the benefit of the doubt to the applicant—a policy that was never made public or debated in the House. Secondly, throughout this period, the Government did nothing to reinstate the exit checks that the Conservative Administration had begun to abolish. As a result, we have not been able to check whether nearly 2 million people a year who have been issued with short-term visas have left again. That is just as large a relaxation of policy as the decision to lean towards approvals. Given that just 60 per cent. of those leaving this country this year can be identified, will the Minister make an urgent commitment to introducing manual exit checks until the e-borders scheme is complete? Will he also estimate how many short-term visa holders have definitely left the country, and how many have overstayed? Will he commit to managing immigration properly, so that public confidence can be restored?

Mr. Woolas: I am grateful to the hon. Gentleman for his support for the border control measures that we are putting in place. Indeed, he and I agree on the need for those border controls. I wonder whether he will join me in asking the hon. Member for Epsom and Ewell (Chris Grayling), who has tabled the question today, whether he has dropped his opposition to border controls. The fact is that there are those on the Conservative Benches who talk about civil liberties, and others who talk about the need for databases to control migration. The Conservatives have to make their minds up. At least the hon. Member for Eastleigh (Chris Huhne) is consistent.

Keith Vaz (Leicester, East) (Lab): The Minister and the head of the UK Border Agency gave evidence to the Select Committee last Tuesday, and the Minister gave us a number of important facts and figures. Will he confirm that none of the issues that are before the House today will have any effect on the veracity of the information that he gave last Tuesday, and that he stands by the figures that he gave us? There are also some outstanding points from that meeting. Will he ensure that a reply to those points reaches the Committee by Friday of this week?

Mr. Woolas: I am grateful to the Chairman of the Select Committee. The answer to his first question is yes. Nothing in the question and answer today in any way affects the veracity of the evidence given to the Select Committee last week. Indeed, the question today is about the allegation that we have broken the law in applying the Freedom of Information Act, and that is something that I absolutely reject. It is a very serious accusation. The policy that I have been asked about today relates to incidents between 2002 and 2004. Regarding the specific answers that my right hon. Friend requested by his deadline of Friday, or a week Friday, I hope that he will forgive me if—he is not nodding; he will not forgive me. I will do my very best to comply with the request of the Chairman of the Select Committee, as I always do.

David Davis (Haltemprice and Howden) (Con): In a spirit of forgiveness, I say this to the Minister: at the time leading up to the resignation of the right hon. Member for Stretford and Urmston (Beverley Hughes), there were a large number of different failures in the immigration and related systems. If it is true, as has been asserted in the newspapers, that decisions were taken for political reasons, one of the most important aspects of the matter will have been the reduction or relaxation of the citizenship process, which we know took place. Did Mr. Ken Sutton investigate that?

Mr. Woolas: There is a conflation of two points there—I congratulate the right hon. Gentleman on his political imagination, but he is talking about different things. The issue of controversy was over the then A2 applications and how they were dealt with—

David Davis: I was there.

Mr. Woolas: The right hon. Gentleman says from a sedentary position that he was there; I remember it very well. He extrapolates from that the accusation that there was a political plot. There is no evidence of such a plot; indeed, the Government's Immigration and Asylum Act 1999 was criticised for being too authoritarian on the issue of immigration—*[Interruption.]* Some right hon. and hon. Members in their places today criticised it from that point of view. A good effort is going on to raise a straw man, if I may say so, but as ever with the Opposition party, there is no substance to the policy because there is no policy.

Fiona Mactaggart (Slough) (Lab): Would the Minister agree with me that one of the real sources of poor administration in the immigration system are these delays that the policy which was the subject of the freedom of information request was designed to address? I have a pile of letters with me that my researchers expected me to sign, three of which inform my constituents that they should not expect a decision before 2010 in one case and before 2011 in the other two, so what is the Minister doing to speed up this process right now?

Mr. Woolas: Again, that question is about current policy, not about freedom of information. With your agreement, Mr. Speaker, may I say that if Members are concerned as to why we are here five years after the events, the timetable of compliance with the FOI shows the Home Office in very good light indeed? Indeed, I was surprised that I was able to comply so quickly; the delays were not down to the Home Office. On the substance of the question, as I hope my hon. Friend knows, the measures put in place to clear the backlog are substantial and, indeed, as I was able to tell the Select Committee, a further 350 extra members of staff are now being deployed. The date to which she refers is the end-date, the date by which we will have cleared all the backlogs. Again, we recognised the problem and took action to address it. The MPs correspondence tracker system, which I will take this opportunity to advertise, is a superb service to Members who currently send 60,000 letters a year to me and my colleagues.

Mr. Speaker: Order. May I just say to the Minister of State that the dividing line between comprehensiveness and prolixity is thin, but I fear that he has just crossed it?

Mr. James Clappison (Hertsmere) (Con): Does not this information reveal a culture of risk-taking and laxity in government? Is there not a danger of this culture continuing when, as the Home Affairs Select Committee learned last week, the points-based system overrides the discretion of individual immigration officers even when they entertain the gravest of doubts about people seeking to enter the United Kingdom. May we have an immediate review rather than have to wait for another sorry performance like the Minister's today?

Mr. Woolas: The hon. Gentleman has reported back from the Select Committee in a way that does not reflect what I told that Committee. The allegation that immigration officers and entry clearance officers do not have those powers is simply not the case. If the hon. Gentleman is suggesting that an immigration officer should be able to refuse entry into this country—without any reason, when that is the point in guidance and indeed in law—then let him say so. I would bet that those on my side of the House for one would not wish to see that.

Nigel Griffiths (Edinburgh, South) (Lab): May I welcome the Minister's statement? At a time when visa and entry clearance officers are under criticism, often unfairly, may I ask him to convey to his staff my deep gratitude for their compassionate handling of the case of Kenny Chan in my constituency, whose funeral I am attending tomorrow? His Chinese girlfriend, and main carer, Bo Ji, has been allowed through discretion to come into the country, and we are deeply grateful to those staff.

Mr. Woolas: I hope that the whole House agrees that immigration and customs officials in the UK Border Agency do an important job professionally and well, often in very dangerous circumstances, and have to take some very difficult decisions. I remind the House that 285 million people were transited in and out of the United Kingdom last year, which represents a significant challenge in immigration and customs control.

Anne Main (St. Albans) (Con): The information that was suppressed, and to which we are now privy, contained a warning that the policy was not without risk. Has the Minister made any evaluation of those persons who were let in, and of whether any of that risk has come to light?

Mr. Woolas: I thank the hon. Lady for that question, and I take it that she has read the information that has been disclosed—

Anne Main *indicated assent.*

Mr. Woolas: She indicates that she has, in which case she will be able to confirm that the information was checked for all people, as is always the case, against the watch lists. That was said at the time. The Brace—backlog reduction accelerated clearance exercise—operation, as it was known in 2002-04, replicated guidelines that had been used in the past by Governments of all persuasions. However, I can reassure the hon. Lady on the point that she raises.

Rob Marris (Wolverhampton, South-West) (Lab): Does my hon. Friend agree that the major issue is not the alleged cover-up of an alleged immigration policy, but the problem of the overt immigration policy of unrestricted free movement of labour in the European Union?

Mr. Woolas: At the time, the A2 countries were not members. My hon. Friend follows such issues carefully, and he will have noted the statement that I laid before the House last week on extending the restrictions to A2. I note that he welcomes that. I am grateful to him for giving me the opportunity to bring that to your attention, Mr. Speaker—*[Interruption.]* No, I am grateful, because it is a good policy, and I suspect that no one was aware of it before now.

Mr. John Redwood (Wokingham) (Con): Why did the Government change policy in a way that led to such a huge increase in inward migration?

Mr. Woolas: One of the pieces of propaganda being put around is that, somehow or other, there was a deliberate Act of Parliament, or policy decision, to expand immigration. As I said a moment ago, the legal framework under which the Government operated in 1997 was the British Nationality Act 1981 brought in by the Conservative party. We introduced the Immigration and Asylum Act 1999, which strengthened our immigration controls, and some years later reintroduced the very border controls that allow us to control and manage migration and that the Conservative party got rid of in 1994. Will the hon. Member for Epsom and Ewell therefore drop his opposition to our electronic border system—the very system that protects our borders?

Mr. Speaker: Order. I do not think that we will go into that today.

Mr. Andrew Pelling (Croydon, Central) (Ind): There are no more Conservatives who would be able to answer such a question. Will the Minister accept, however, that the shadow Home Secretary put the question in the context of the Home Secretary's desire to have a much more open, tolerant debate about the issue of migration, which is healthy in terms of trying to ensure that people do not vote for extremist parties at the next election? In doing so, is it right to recognise that immigration policy was too liberal, with too many mistakes, which puts stresses and strains on the provision of services to others, especially in Croydon where the immigration service is based?

Mr. Woolas: We are very grateful to the good people of Croydon, which, as the hon. Gentleman says, is our major base. The fact is that the major pieces of legislation—the 1961 Bill that led to the Commonwealth Immigrants Act 1962, the Immigration Act 1971 and the British Nationality Act 1981—are the framework for immigration in this country, and since 1997 the Government have introduced a number of Bills—*[Interruption.]* The hon. Member for Epson and Ewell is keen on chunnering—I think that was your phrase, Mr. Speaker. *[Interruption.]* Chuntering. I must be careful—that is not chumpering, is it? In the debate on the Borders, Citizenship and Immigration Bill, he criticised the Government for introducing too many immigration Bills. Which is it? Is it that we did not have enough immigration Bills, or too many? He must make his mind up.

Bob Spink (Castle Point) (Ind): It would be entirely wrong to cast aspersions on the Minister's integrity, which is beyond reproach in respect of this and other matters. I am ashamed that Opposition Members should seek to do that. However, will the Minister consider the uncontrolled immigration from the European Union countries, which may not be totally in the British interest, and seek to find a way of reining it in?

Mr. Woolas: I am grateful for what the hon. Gentleman has said.

The debate on European Union immigration is a debate in which I am more than happy to engage. I am more than happy to justify the benefits gained by the United Kingdom. I am thinking of, for example, the 500,000 British people who live in Spain, the work and study opportunities that we have in the European Union, and the story of migration from European Union countries: migration that has benefited mutually, for instance, Ireland and the United Kingdom, Spain and the United Kingdom, and east Europe and the United Kingdom in the current year, and will no doubt do so in future years. That, however, is a debate from which the hon. Member for Epsom and Ewell will run a million miles, because it will open up the question of Europe.

Energy National Policy Statements

3.56 pm

The Secretary of State for Energy and Climate Change (Edward Miliband): With permission, I shall make a statement about the energy national policy statements and our proposals on clean coal.

In the summer we published the low carbon transition plan, which explained how we would meet our commitments to carbon reduction for 2020 and beyond. New infrastructure is being provided for the coming years, with 20 GW under construction or consented to—more than the amount that will close by 2018—but in order to meet our low-carbon energy challenge, and owing to the intermittency of wind, we shall need significantly more generating capacity in the longer term. As our documents explain, over the next 15 years to 2025, one third of that larger future generating capacity must be consented to and built. Given that challenge, the imperative of reform in the planning system is clear.

The current system is characterised by duplication, with several bodies responsible for different aspects of consent, overlapping responsibilities for politicians and independent decision makers, and delay. Today, to guide the decision making of the new Infrastructure Planning Commission, we are setting out for consultation six draft policy statements on energy, the most important being those on the trinity of fuels of our low-carbon future: renewables, nuclear power and clean fossil fuels. We need all of them in the long term, because the challenge of the low-carbon transition is so significant. We need renewables, which are a home-grown and plentiful source of supply and are already powering 2 million homes in the UK; we need nuclear power, which is a proven, reliable source of low-carbon energy and an important base load in the system; and we need fossil fuels—with carbon capture and storage—which make possible a flexible peak-load response.

Last year, offshore wind generation increased by two thirds and onshore wind generation by one quarter. However, we need to increase the rate of progress significantly in order to meet our objective of 30 per cent. of our electricity coming from renewables by 2020. The national policy statement on renewables covers onshore renewables over 50 MW and offshore wind over 100 MW. Other onshore decisions remain with local authorities. The policy statement seeks to strike the right balance between achieving national objectives and avoiding adverse impacts on the local environment and biodiversity. While Government set out the framework in the policy statements, each application will be decided upon by the independent Infrastructure Planning Commission. The IPC will have to take account of regional and local plans drawn up by local authorities, and developers will have to ensure that they have consulted locally before any application is made, with local authorities submitting local impact reports.

The Infrastructure Planning Commission will make its decisions on the basis of a clear timetable of a year from the acceptance of an application to a decision. That is a crucial change from the system that operated in the past. This system is right for energy security. By meeting our commitments on renewables we can limit the need for gas imports, holding them at 2010 levels for the rest of the decade. It is also the right thing to do for

[Edward Miliband]

the environment, because there is no bigger threat to our countryside than climate change. But, according to the estimates that we are publishing today, even given our ambitious targets for renewables there will be a need for additional new non-renewable power. We need to use all available low-carbon sources, which is why we were right to end the moratorium on new nuclear power stations in this country last year. In response, energy companies have announced intentions to build 16 GW of new nuclear power. In the spring, we invited comments on the 11 sites that had been nominated for new nuclear, all of which are on or near existing nuclear sites. I can tell the House that 10 of the 11 sites have been judged potentially suitable and have been included in the draft policy statement. The next step will be consultation in the 10 selected sites, as well as nationally. The consultation proposes that the 11th site, Dungeness, not be included in this national policy statement. That is because, following advice from Natural England and others, the Government do not believe that a new nuclear power station can be built there without causing an adverse effect on the integrity of the internationally unique ecosystem.

Under the habitats directive, we are obliged to consider alternative nuclear sites. An independent study has suggested that three—Kingsnorth, Druridge Bay and Owston Ferry—are "worthy of further consideration". We have concluded, however, that all of them have serious impediments and none of them is credible for deployment by the end of 2025, the period of the policy statement; nor do we believe they are necessary for our plans for new nuclear. Therefore, we have excluded all of them from being potential sites in the draft policy statement.

On waste management, the Government are satisfied that, on the basis of the science and international experience, effective arrangements to manage and dispose of the waste from new nuclear power stations can be put in place. In addition, today we are opening consultation on the proposed regulatory justification for two different reactor designs.

New nuclear is right for energy security and climate change, and it will be good for jobs too, creating up to 9,000 jobs to build and operate power stations at each site and helping leading companies to access the international market.

As well as renewables and nuclear, the third part of our low-carbon future is clean fossil fuels. There is no solution to the problem of climate change either at home or abroad without a solution to the problem of coal—cheap and reliable, but the most polluting fuel. Already, €180 million has provisionally been offered from the European budget to assist Hatfield power station to fit carbon capture and storage, and I can confirm that we have received bids from E.ON and Scottish Power for the next stage of the current CCS competition for a post-combustion power station. Early next year, we will allocate the up to £90 million that has been set aside for the bid or bids that will go forward to the detailed design and engineering stage. Our aim is clear: for carbon capture and storage to be ready to be deployed 100 per cent. on all new coal-fired power stations by 2020. We are determined to ensure that, with the right combination of regulation and incentives, we make this happen, so I can confirm that, under our new framework, there will be no new coal-fired power stations without CCS. With immediate effect, in order to gain development consent all new coal plant will have to show that it will demonstrate CCS from the outset on around 400 MW of total output.

Our plans are based on up to four projects between now and 2020, including up to two post-combustion projects and up to two pre-combustion projects. The pre-combustion demonstration projects are expected to have 100 per cent. CCS on their coal capacity from day one. The post-combustion projects will be expected to retrofit CCS to 100 per cent. of their capacity within five years of 2020. That will be enforced by the Environment Agency, and there will be a review to confirm it by 2018. If we conclude at that time that CCS will not be proven, we believe further regulatory measures will be required to restrict emissions from these plants, such as through an emissions performance standard.

Even with the right regulation, however, if we leave the funding of CCS simply to private companies, it will not happen in time. To make CCS financially viable, our proposed energy Bill contains powers to introduce the levy to support demonstration that the Chancellor announced in the Budget; and, in response to points made in the consultation, the levy will also be available to support the move to 100 per cent. retrofit of CCS. Taken together, these policies are the most environmentally ambitious set of coal conditions of any country in the world, and they provide the opportunity for Britain to create thousands of jobs in carbon capture and storage throughout our country.

On coal, nuclear and renewables, the aim of our national policy statements is clear: consistent with the advice of the Committee on Climate Change, we need to be on course for the long-term goal of near-zero carbon emissions from power. In the spring, we will publish further work on the pathway from 2020 to 2050 consistent with this trajectory.

Alongside the overall policy statement and those for nuclear, renewables, fossil fuels and gas storage, we are also publishing the policy statement for electricity networks. Together, these documents represent a framework for the future of our energy supplies.

In every area—onshore and offshore wind, and other renewables; nuclear; and clean fossil fuels—there will be people who wish to oppose specific planning applications. Their voice must be heard in the process, and we believe that it will be. The planning process must ensure that we give consent to the right projects in the right sites. Although of course we need a process that can turn down specific applications, saying no everywhere would not be in the national interest. As a country, we need nuclear, renewables and clean coal for our energy future. They are necessary for security of supply, tackling climate change and the future of our economy. That is why we are reforming the planning system and publishing our statements today. I urge all those in all parts of the House to unite behind these proposals, and I commend this statement to the House.

Greg Clark (Tunbridge Wells) (Con): What we have heard softly spoken is a declaration of a national emergency for our energy security. The question that the Secretary of State must answer is why did the Government leave it so late? The statement is made necessary by the Government's admission in July that they expect power cuts in 2017—that was the first time since the 1970s that a British Government have had to make such a disclosure. The cause of this national emergency has been obvious for many years. Over 12 years, 15 successive Energy Ministers—a new one every nine months—have behaved like the ostrich and stuck their head in the sand rather than face up to the action that was needed to address our energy black hole.

Will the Secretary of State say whether the Government knew that most of our nuclear power stations would reach the end of their planned life before 2017? Will he tell us whether anyone in his Administration was informed that North sea oil and gas production would peak and fall away? Did anyone tell them that our most polluting coal-fired power stations were about to close? Every one of the measures contained in this statement should have been brought forward 10 years ago, when the Government had the chance to secure the investments that are so desperately needed to keep the lights on, to keep prices down and to cut carbon emissions. So will he answer the question: why did they leave it so late?

On the planning statements themselves, we support the Government, but does the Secretary of State accept that to give the certainty that investors require they should be endorsed by a full vote of this House, so that they have the democratic legitimacy that will entrench them against future judicial review? We agree with him that it is absolutely right to create a fast-track planning process for large infrastructure projects, with a dedicated secretariat and time-limited decisions, but does he agree that the final decision should be taken not by an unelected, unaccountable official, but by a Secretary of State responsible to this House?

Nuclear power must be part of a diverse energy mix, provided it is commercially viable, but does the Secretary of State accept that it is now too late for nuclear to come on stream fast enough to replace our current capacity before it shuts down, and that this will increase our dependence on gas imports before 2020? The moratorium was this Government's and they are responsible for that. Why did they leave things so late?

On coal, will the Secretary of State confirm that the large combustion plant directive will close a third of our coal capacity, and that since it was agreed by the Government in 2001 not a single carbon capture and storage plant has been authorised to replace that capacity? Will he say which countries, in addition to China, Australia, Canada, Germany, Norway and Belgium, have used this delay to overtake Britain in CCS? Will he say whether 2014 is still the date by which any entry into his chaotic CCS competition must be up and running, or will he confirm what the industry tells me, which is that it has been put back yet again? I note that his statement was silent on this. Why did the Government leave it so late on CCS?

Will the Secretary of State confirm that Germany keeps 100 days' worth of gas in storage and France keeps 120 days' worth, but that Britain has just 15 days' worth of gas storage? Was his colleague Lord Hunt of Kings Heath right when he said that the current measures would increase that by just five hours? Why did the Government leave it so late?

On renewables, will the Secretary of State confirm that Britain has the lowest proportion of energy coming from renewable sources of any EU country, apart from Malta and Luxembourg? If he intends, once again, to entertain us by blaming the gaping hole in our energy supply on rural district councils, rather than on the void in energy policy, will he say why his statement proposes no reforms to allow communities to benefit from wind farms? A decade on from the renewables target, will he tell us why he left it so late?

Britain's consumers and businesses will pay through the nose for the last-minute scramble that the Secretary of State has announced today to cope with the black-outs that he predicted in July. Will he explain, clearly and simply, why the Government have allowed us to get into this state and will he accompany his response with an apology to the British people for 12 years of negligence, for which we are now paying the price?

Edward Miliband: It is hard to know where to start with the hon. Gentleman, and not for the right reasons. In the course of the day, he has managed to show a unique combination of alarmism and complacency. I say that he has shown alarmism because, if he had listened to my statement, he would have heard me say that if we look ahead to 2018 we will replace the 18 GW of infrastructure that is closing with 20 GW of infrastructure. I know that he is interested in the issue of energy unserved, so I direct him to the Redpoint analysis that we are publishing today, which will show him the updated figures as a result of the more recent data we have. I think that will put him right.

The hon. Gentleman showed both alarmism and complacency because what he did not say was that he wants to abolish the Infrastructure Planning Commission. We have gone through this process of years of reform, and the business community likes the system and says that it is the right thing to do. We know that it is necessary, as I said in my statement, to make the low-carbon transition, but now the hon. Gentleman comes along and says that he wants to abolish the IPC.

What do we have from the Conservative party? The Conservatives say that the Secretary of State would set the national policy statements and also decide on the specific applications. What kind of separation of powers is that? It would not only be wrong because it would disrupt a system that is coming into place, and rightly so in my view—it will hasten the low-carbon transition that we need—but wrong in principle, too.

The hon. Gentleman asked a series of other questions. On carbon capture and storage, we still do not know whether the Conservative party supports the levy that the Chancellor announced in April. My right hon. Friend announced a levy in the Budget in April and the Opposition say that they will fund CCS from the proceeds of the EU emissions trading scheme. For six months, I have told the hon. Gentleman—as the Treasury has told his hon. Friend the Member for Wealden (Charles Hendry)—that those funds are already accounted for in the national accounts, so it is funny money that the Conservative party wants to use and we still do not know whether it supports our carbon capture and storage levy.

The truth is that what we heard from the hon. Member for Tunbridge Wells (Greg Clark) is a clear example of why the Conservative party is not fit for government.

Simon Hughes (North Southwark and Bermondsey) (LD): I thank the Secretary of State for his statement, but can he tell us why the press were clearly briefed on Friday, contrary to Mr. Speaker's ruling, and why the

[Simon Hughes]

statements were supplied to our Whips Office only about 18 minutes before the statement was given in the House?

Although the Liberal Democrats have, as the Secretary of State would expect, consistently supported, and continue to support, a future with clean fossil fuels and renewable energy, nothing that he has said today about nuclear power persuades us that the arguments that it is safe and secure have been made in any way that is different from how they have been made in the past.

Will the Secretary of State make it clear that what he has announced today are draft policies, and will he tell us what the timetable is for consultation? Will all the evidence supplied in response be published, and do the Government still have an open mind on arguments that might persuade them that they are going down the wrong road? Does today's draft hide within itself the necessary justification of the nuclear policy for European Union requirements, because he did not mention that in his statement at all?

How can the Energy Secretary say that the next generation of nuclear power stations are any more likely to be built without taxpayer subsidy than the last generation when he has not decided which sort of power station design to choose or where the sites will be, and when there is no scientifically justified and secure way of disposing of the waste? How can he tell us that he will go ahead with the plan when the Health and Safety Commission has expressed serious concerns about the proposed designs that are on the table?

How can the Secretary of State tell us that this is the right mix when nuclear power would make so small a contribution to our energy future, and so late in terms of the timetable that he has set out? If he were far more ambitious about renewables and willing to invest in them in the way that he has invested in the nuclear industry in the past, could we not have a safe, reliable and publicly much more acceptable future? Why did he talk about jobs in the nuclear industry but not say a word about the much greater potential for jobs in the renewables sector, which is evidently known and supported around the country?

On CCS, can I be clear that the Secretary of State is saying to the House as before that there will be a new generation of coal-fired power stations but they will not all have to be CCS-compliant from the beginning of their operation? Some of the next generation will, therefore, be dirty power stations from the beginning rather than the necessary clean stations.

Was there a commitment in the statement to a UK grid supported and funded by the Government? Was there a commitment to the European supergrid, which we need if we are to have energy security across the continent?

Finally, as a Labour Minister with all his good democratic credentials, the Secretary of State must find it difficult to come to the House and argue that in future the major energy decisions in this country will be taken by an independent body, not even answerable to Ministers of the Crown, let alone to the Parliament of the United Kingdom. Is it not the truth that the one thing that has been disposed of is not nuclear waste, because the Secretary of State has no solution for that, but the democratic process in coming to all those difficult decisions?

Edward Miliband *rose—*

Mr. Speaker: Order. Before the Secretary of State replies, may I gently say to the hon. Member for North Southwark and Bermondsey (Simon Hughes) that he did somewhat exceed his time? This is not an example that should be imitated by other colleagues.

Edward Miliband: I will try to be brief in reply, Mr. Speaker. Obviously, it pains me to disagree with the hon. Member for North Southwark and Bermondsey (Simon Hughes), but let me deal with the three specific points he made. He has an anti-nuclear position. I disagree with it and I shall briefly explain why.

We have very ambitious targets for renewables in this country. We all know the targets are ambitious, so to ask—as the hon. Gentleman did—why we are not more ambitious is, frankly, not realistic. We know that we have tough commitments, but looking at our needs in terms of low-carbon energy in the future, it is wrong to rule out nuclear power, because I think it can make a real difference. As for the hon. Gentleman's point about nuclear not making a contribution, companies have already put forward plans—as I said in my statement—for 16 GW of new power, which is significant.

The hon. Gentleman made some specific points about nuclear. He said that we had not decided about the stations. Actually, we are saying that there is a choice of two stations—the Westinghouse station or the AREVA station. We shall benefit from the fact that the stations are being built elsewhere, because many of the issues that could be faced will have already been gone through.

On coal, let me be absolutely clear: we have said that there will be no new coal without CCS. That is absolutely clear. We are absolutely clear about that—*[Interruption.]* The hon. Gentleman says, "Expected." No, CCS will have to be demonstrated from the outset in any new coal-fired power station. That is very clear from my statement, and he will see it from the documentation as well.

The hon. Gentleman mentioned democratic oversight, which comes in the national policy statements, but when those statements are put forward by Ministers it is right to leave specific questions about specific applications and developments to an independent body. I think that will give more assurance in the process, and I wish the hon. Gentleman had supported our proposals today.

Mr. John Prescott (Kingston upon Hull, East) (Lab): May I congratulate the Secretary of State on his statement? It arises from the planning delay over important national energy requirements. I should like to ask him specifically about wind turbine power. As he is aware, we are doing well on offshore investment, but not so well in onshore investment, where a great deal more will have to be done. It appears that recently 75 per cent. of applications have been rejected, often against the advice of planning officers, by the elected officials who appear to feel that they will be overruled anyway. Will my right hon. Friend comment on that? We welcome his investment in Yorkshire in the Hatfield plant.

Edward Miliband: My right hon. Friend played an important role in Kyoto and his advice has been very helpful in the run-up to Copenhagen. He is absolutely right. He has been very brave, and has stood up for the issue of onshore wind and said that we need to go ahead with it. He is absolutely right about that. Part of the argument we need to advance in the House and in the country is not just for planning reform but for going ahead with onshore wind, which is why I wish the shadow Business Secretary had not said that he was against all onshore wind. I think it is right that all of us stand up and say that we need onshore and offshore wind. We cannot say no to any of the low-carbon alternatives.

Several hon. Members *rose*—

Mr. Speaker: Order. Thirty hon. and right hon. Members are seeking to catch my eye, so brevity is of the essence. I know that a good example will now be set by the right hon. and learned Member for Folkestone and Hythe (Mr. Howard).

Mr. Michael Howard (Folkestone and Hythe) (Con): Is the Secretary of State aware that his decision to exclude Dungeness from his list of preferred sites will be greeted with consternation by many of my constituents, who will be bemused by the objection of Natural England, having regard to the fact that there are already two nuclear power stations at Dungeness? Will he assure me that he will continue to consult on the possibility of restoring Dungeness to the list, and will he confirm that Natural England will not have a veto on that possibility?

Edward Miliband: I know from our conversations that the right hon. and learned Gentleman feels strongly about these questions. I can confirm that this is a consultation. No, Natural England does not have a veto. We act on its advice and the advice of others. The specific issue with respect to the proposal for Dungeness was that the site was adjacent to the existing power station, which causes a lot more difficulties in relation to habitats than the existing power station. It is a question not simply of new habitats rules coming into place since the original station at Dungeness was built, but of the specific siting of any new station at Dungeness. As I say, there is a consultation and we look forward to hearing the views of the right hon. and learned Gentleman and others.

Mr. John Hutton (Barrow and Furness) (Lab): I warmly congratulate my right hon. Friend on his statement and the plans that he announced for accelerating our plans for new nuclear power stations, which will be warmly welcomed in the country as a whole. His statement updates us on the planning reform changes that the Government have introduced, which will de-risk a lot of the investment that is necessary. Does he have an open mind about whether it might be necessary to go one step further at some point in the future, either in the form of a minimum floor price for carbon or in the form of a new low-carbon obligation on the power generators?

Edward Miliband: Let me pay tribute to my right hon. Friend because he took the very brave decision on nuclear power, which has not quite a universal consensus, although perhaps a growing consensus, in this House. As for the carbon price, we do want a more robust carbon price than we have at present. The best way of achieving that, in my view, is plan A, which is Copenhagen, and getting an ambitious deal at Copenhagen. He was also right, in my view, to rule out a specific public subsidy for new nuclear, but our focus is on getting that deal at Copenhagen so that we can ensure a more robust carbon price.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): The Secretary of State said that he foresaw 150 MW of wind power capacity being installed. Can he confirm that on average 27 per cent. is the typical usage, so that typically 100 MW of that 150 MW will not be in use at any one moment?

Edward Miliband: I think the right hon. Gentleman has got his megawatts and gigawatts a little confused, if I may say so. The point I was making in my statement was the scale of application that would be below or above the threshold. He is right in that wind power is what we call de-rated in terms of its impact on the electricity system, and the calculations that we put forward take account of that.

Joan Walley (Stoke-on-Trent, North) (Lab): What is there in place to ensure that there will be full environmental impact assessments in order that there can be a level playing field for deciding whether to invest in nuclear or renewables? I have concerns about investment in nuclear.

Edward Miliband: I know that my hon. Friend feels strongly about these issues. Local environmental impacts are built into the assessments. Whether on renewables or on nuclear, those decisions are for the IPC. It is important to say that the advance of the planning reforms is so that the question of need is settled in consultation at this stage in the national policy statements. The question of specific applications and their impact on biodiversity and other matters is then a decision for the IPC, so I can reassure my hon. Friend that the IPC will have to make judgments on those questions.

Sir Alan Beith (Berwick-upon-Tweed) (LD): May I welcome the Secretary of State's well justified refusal to put Druridge Bay in Northumberland back on the list of potential nuclear sites, and, as someone who has campaigned for 20 years ago to get it off that list, assure him that any future Secretary of State who sought to put a nuclear station on such a magnificent and environmentally diverse site would face a similarly intense and successful campaign?

Edward Miliband: Again, I know from speaking to the right hon. Gentleman that he feels strongly about these matters. We made a judgment about Druridge Bay and, indeed, the other two sites identified as worthy of further consideration—both that there were serious impediments to their being placed on the list, and that they were not necessary for our plans for new nuclear. Hence, they have been excluded from the national policy statements. I hope that that acts as reassurance to the right hon. Gentleman and his constituents.

Mr. Michael Meacher (Oldham, West and Royton) (Lab): As French, Finnish and UK regulators have all recently agreed that the current control systems for the evolutionary EPR reactor are to be subject to architectural change—in other words, the reactor is still being designed—

[Mr. Michael Meacher]

how can the Government possibly sanction the justification of nuclear plant before reactor design is finally decided? Is that not a classic case of putting the cart before the horse?

Edward Miliband: No, it is not. I said earlier that we were benefiting from the fact that other countries are constructing and using power plants—in the case of both Westinghouse and AREVA—before they are constructed here. That and the generic design assessment represent precisely the advantage that we in this country have of being able to get the design right, so that we can stick to the timetable and avoid the cost overruns that would otherwise result.

Mr. David Heathcoat-Amory (Wells) (Con): Instead of being a world beater regarding civil nuclear power, we are now a client state because of 10 years of drift and neglect. Will the right hon. Gentleman atone for that, at least in part, by working with the further education colleges of Somerset to make our county a centre of British nuclear engineering, particularly as Somerset is likely to be the site of the first of the new generation of nuclear power stations?

Edward Miliband: I have to say that the right hon. Gentleman has a funny way of advancing his constituents' interests, but I am not going to engage in the question of atonement. I welcome the work that local organisations in Somerset and elsewhere are doing as part of the nuclear renaissance and to push nuclear skills. As I said in my statement, I think that there are big opportunities in this country in terms of new nuclear and employment and skills.

Frank Dobson (Holborn and St. Pancras) (Lab): Will my right hon. Friend make sure that the reduction in the time taken up by the planning process is not portrayed by the nuclear industry as guaranteeing that nuclear power stations will be completed shortly? The fact is that apart from at Sizewell B, the principal cause of delay in getting electricity out of nuclear power stations was the vast delay in construction. For instance, Dungeness B was actually a decade late before it started producing any electricity, and it has never produced the amount for which it was designed.

Edward Miliband: My right hon. Friend speaks with great authority on this matter. Indeed, I believe that he was shadow energy spokesman when some of those questions were being debated. I take his point, but I have to say this about the specific planning process at Sizewell: my understanding is that there were 300 and something days of inquiry at Sizewell; that only 30 were taken up with the specific issue of the Sizewell proposal; and that the rest were taken up with the debate about need. The virtue of our proposals is precisely that they try to make some progress on need, so that people's points about specific, local applications can be considered.

Willie Rennie (Dunfermline and West Fife) (LD): I noticed that the Energy Secretary did not answer the question from the Conservative Front Bencher about the 2014 deadline for the carbon capture and storage pilot. I also noticed that the number of bidders has dropped to two. I hope that that, together with the delay in construction at Kingsnorth, does not mean that the 2014 deadline will be put back.

Edward Miliband: The hon. Gentleman has an understandable interest in a particular competitor in the competition, and he will understand that we have to go through a due process before making decisions. I said that early in the new year we will announce the next stage, including the allocation of £90 million, so he will have to wait until then. To be clear about the matter, however, let me say that we are absolutely not downgrading our ambitions on CCS; indeed, we are upgrading them. I have said today that we will have up to four demonstration projects: up to two of them will be post-combustion, and two of them will be pre-combustion.

Malcolm Wicks (Croydon, North) (Lab): I very much welcome the statement, but, given the inevitably long time scales for the development of new nuclear and carbon capture and storage, and getting to where we need to be in relation to our renewables needs, is there not a danger that up to 2020 we could see a new dash for gas? Will that not inevitably increase import dependency, at a time when the world will be thirsty for energy; and will the Secretary of State comment on the national security implications of that scenario?

Edward Miliband: The Wicks report makes very good reading; I am glad to have the chance to plug it, as my right hon. Friend rather modestly did not do so. We showed in the low carbon transition plan that if we make the progress on renewables that we have set out—that is an "if" because it relies on planning reform, public consent, finance and grid connection, all of which we are acting on—then we will stabilise gas imports at 2010 levels. However, that requires a Government who support the drive to renewables, who do not have qualms about it, and who do not start saying that onshore wind is not part of the energy mix. That is why, in my view, we have to drive ahead with renewables and nuclear.

Mrs. Jacqui Lait (Beckenham) (Con): I welcome the introduction of the first national policy statements, but may I press the Secretary of State on the timetable for ending consultation, both in the wider world and within Parliament? How does that fit in with Sir Michael Pitt's timetable inviting the energy producers to come forward with their plans?

Edward Miliband: It is worth saying that the IPC will be up and running and fully operational from next spring. Pre-designation of the NPSs, it will be making recommendations to Ministers, and post-designation it will be making the decisions itself. As the hon. Lady will see from the documentation, we have allowed extra time for consultation. We thought long and hard about this. We thought that it was the right thing to do, not least because of the big interest in nuclear, for example. The 15-week consultation period takes us to about February, and then the Select Committee has to deliberate. We want to move as far and as fast as we can by next spring.

Mr. Ian Cawsey (Brigg and Goole) (Lab): I thank my right hon. Friend for his courtesy in letting me know that Owston Ferry in my constituency was to be mentioned in his statement, and for his swift decision not to include it as part of the list put forward by the independent consultants, who said that it was a site worthy of serious consideration. My constituents will very much welcome the swift decision announced today. However, can he assure the House that his Department has not spent a large amount of money on those independent consultants, who came up with recommendations that he, I and everyone else can see are just plain daft?

Edward Miliband: I am sure that my hon. Friend's constituents and the independent consultants will have heard his views on the report. In all seriousness, I can assure him that we see serious impediments regarding all three sites, which is why they have not been included in the national policy statement. We want to offer reassurance to his constituents on that point. Also, as I said earlier, we do not need see the need for them as part of our nuclear plans.

Mr. Ian Liddell-Grainger (Bridgwater) (Con): May I say that Hinkley Point is delighted with the Minister's announcement? One of the integral aspects of this is the infrastructure needed to get to the plant: we need a new bridge and a new road. Can he confirm or deny that that will be part of the planning application? If it is, will it come under the new planning rules?

Edward Miliband: The hon. Gentleman gives me a good opportunity to plug the benefits of the new system. He is right. At the moment, multiple consents have to be applied for from different organisations, but now a single set of applications will made to one body. That is a necessary part of proceeding on the basis of the timetable we have set out.

Mr. Geoffrey Robinson (Coventry, North-West) (Lab): I compliment my right hon. Friend on so clear-sighted and realistic a statement, but is he aware that the targets he sets for all three areas of energy supply are very ambitious, not least in respect of carbon capture and storage? I accept entirely what he says about the private sector, left to itself, not doing this on time, but could he set up a small team of capable officers in the Department to drive matters forward?

Edward Miliband: My hon. Friend speaks with great knowledge about these issues. We have set up the office of carbon capture and storage precisely to do what the Office for Nuclear Development has done in our Department, which is to drive this forward on a proper timetable. He is right that we need to make progress. The next stage has been reached today with the bids for the competition, and the so-called feed studies—the engineering demonstration projects—will be awarded early next year.

Several hon. Members *rose*—

Mr. Deputy Speaker (Sir Michael Lord): Order. May I appeal to the House for very brief questions and brief answers, so that we get as many people in as we possibly can?

Mr. Peter Bone (Wellingborough) (Con): Can the Secretary of State say why the contents of his statement were leaked to the press over the weekend before it was made to Parliament?

Edward Miliband: It was not leaked to the press, and I take our responsibiliti[illegible]e House very seriously. It was right that Parliament was the first to hear about the details of the statement.

Dr. Alan Whitehead (Southampton, Test) (Lab): I am sure that my right hon. Friend will agree that the investment in and strengthening of the grid and the emergence of new connection points is an essential part of delivering a renewable energy strategy, and of renewing other forms of energy in future. What plans are there in the documents he has published today to ensure that linear planning applications and associated applications can receive the attention of the IPC, for example, in the same way that it is intended larger, single-site applications will?

Edward Miliband: My hon. Friend is absolutely right about the importance of that matter as part of the IPC's work. That is why networks are part of the IPC's consideration and remit. He is also right on his more general point about grid connection.

Steve Webb (Northavon) (LD): The proposed Oldbury B power station, unlike the existing one next to it in my constituency, would have a very high cooling tower. If my constituents objected to that because of the visual impact and other factors, would they actually be listened to—not just heard—or would their views be overridden? The document states that the national need for stations is the most important factor.

Edward Miliband: The distinction I have tried to draw is between the national need, which is important to establish, and specific developments, on which it is important that the IPC can take a view. To reassure the hon. Gentleman, the IPC will absolutely take a view on whether that specific development is appropriate.

Rob Marris (Wolverhampton, South-West) (Lab): Climate change is accelerating and sea levels are rising. Of the 10 potentially suitable sites for new nuclear power stations, how many are less than 20 metres above sea level?

Edward Miliband: My hon. Friend asks a characteristically important question. Let me put it to him this way: flooding and coastal erosion issues are taken account of, as he will see from the documents, in all specific site representations. The question for us is whether to rule out any of those applications on the grounds that he mentions, which we have not done. Although we raised the issue of flooding and coastal erosion in relation to Dungeness, we did not feel that it was enough to rule it out. It is a matter to consider, and he will see that we commented specifically on it in relation to a number of the applications that the IPC will have to take a view on.

Christopher Fraser (South-West Norfolk) (Con): In South-West Norfolk there is a growing number of wind turbines, without any tangible local benefit. Will the Secretary of State allow communities that host wind farms to keep all the business rates, to ensure that there is true local benefit from the local energy supplied?

Edward Miliband: We are always on the look-out for ways to encourage local authorities to support wind turbines.

Christopher Fraser: Say yes.

Edward Miliband: I am not going to make up policy on the hoof, tempting as it is. The hon. Gentleman's general point about local people having an interest in wind turbines and in having them in their area is absolutely right.

Paddy Tipping (Sherwood) (Lab): Should the Copenhagen summit not produce a robust price of carbon—the Secretary of State's plan A—will he look closely at other, domestic measures that will secure the price of carbon and secure new investment in new technology in this country?

Edward Miliband: My hon. Friend tempts me towards plan B, and I shall try to resist the temptation. We need to focus on plan A, which is getting a more robust price for carbon. We have recommendations from the Select Committee on Energy and Climate Change, as he knows, and we will obviously consider them as part of the 2020 to 2050 road map that we will produce in the spring.

Mr. Roger Williams (Brecon and Radnorshire) (LD): What has been the involvement and input of the devolved nations in drawing up the national policy statements? They are likely to be required to provide a disproportionate amount of the UK energy need.

Edward Miliband: As the hon. Gentleman will know, many of these matters are devolved, including specific planning issues. I wish that we had more of a consensus in some parts of our nations and regions, for example on nuclear power, but he will be pleased to hear that we have been in contact with the devolved nations to consult them on the specific proposals.

Mr. Paul Truswell (Pudsey) (Lab): Can my right hon. Friend give an assurance that the NPSs before us today have been fully assessed for their carbon impact, so that they transmit a clear message to the IPC about the need to meet national climate change targets and priorities?

Edward Miliband: My hon. Friend makes a very important point. In drawing up the national policy statements, we are very clear about the need to decarbonise our power supply and take the carbon out of our energy. That is why I emphasised in my statement the importance of the new generating capacity we need by 2025. The truth is that we could carry on producing more gas-fired power stations—that is a high-carbon lock-in way of proceeding. The real challenge for us is, in my view, not above all a security of supply challenge, because we are making progress in building new infrastructure, but low-carbon security of supply—meaning nuclear, renewables and other low-carbon sources of fuel.

Bob Spink (Castle Point) (Ind): What specifically will the Government do, however, at Copenhagen on emissions trading to ensure that carbon pricing is fixed at a sufficiently high level to ensure that the base supplies of clean coal and nuclear are made viable?

Edward Miliband: The hon. Gentleman asks an important question. The most important thing we can do at Copenhagen is to get an ambitious deal that enables Europe to go from a 20 per cent. reduction in its emissions by 2020 to 30 per cent. If we do that, it will most likely lead to a more robust carbon price. That is the most effective thing we can do.

Mr. Parmjit Dhanda (Gloucester) (Lab): Will my right hon. Friend join me in congratulating employees at British Energy in my constituency? More than 1,000 will benefit from this announcement. Will he also join me in congratulating E.ON and RWE, which want to create more than 200 jobs in the nuclear industry at Gloucester business park? Will he resist any attempt from the Opposition to do away with the IPC, because ultimately, that will result in greater instability in the nuclear jobs market?

Edward Miliband: I agree with my hon. Friend. He is right to say that nuclear can create big job opportunities in this country and that we should capitalise on them. I pay tribute to the employees in his constituency for the work they are doing. I hope that, even at this late stage, the Opposition will, having pondered the issues, think again about abolishing the IPC, which I think is the wrong thing to do.

Martin Horwood (Cheltenham) (LD): The Secretary of State claimed that his statement was consistent with the Committee on Climate Change's projections, but actually, it said last month that unabated coal should not form any part of our energy generation plans after 2020, whereas the statement only compels clean carbon capture and storage on 400 MW for each power station, and only expects the rest to be retro-fitted later. Does that not leave exactly the same dirty great loophole in his policy as existed before?

Edward Miliband: I disagree with the hon. Gentleman. The Committee on Climate Change is very clear that there is a limited role for unabated coal in the 2020s, and we agree.

Mr. Mark Hendrick (Preston) (Lab/Co-op): I welcome my right hon. Friend's commitment to 16 GW of new nuclear energy. He knows, as I do, that nuclear is now clean, green and safe. May I also welcome the thousands of jobs that will be brought into the industry, including high-tech jobs, and in particular the hundreds of jobs that will be created at the nuclear fuels plant at Springfields near my constituency?

Edward Miliband: In a sense, we see from the contributions of hon. Members the jobs impact that new nuclear can have in this country, as well as on energy security and our climate change targets. My hon. Friend spoke very eloquently about what it will do in his constituency.

Ms Sally Keeble (Northampton, North) (Lab): Does my right hon. Friend agree that a lot of people want to know not only that the lights will stay on, but that they can also afford the bills? What assurances can he provide to people that the energy mix he set out will provide secure and affordable energy supply?

Edward Miliband: My hon. Friend raises a very important issue. That is why, in the energy Bill, which was in the draft legislative programme, we want to propose social tariffs on a mandatory basis—precisely to help the hardest-pressed consumers. At a time of rising prices and when pressures on prices are upwards, we need tough regulation, and help for the most vulnerable.

Paul Flynn (Newport, West) (Lab): Will my right hon. Friend guarantee that the nuclear industry will not be given an insurance indemnity subsidy from the taxpayers?

Edward Miliband: We have made clear that on the question of public subsidy for nuclear—it was clear in the White Paper produced by my right hon. Friend the Member for Barrow and Furness (Mr. Hutton)—we are not going to provide public subsidy for the construction, operation and decommissioning of nuclear power stations.

John Robertson (Glasgow, North-West) (Lab): My right hon. Friend will be aware that during the two-week cold spell in Scotland last year, renewables contributed only 0.01 per cent. of Scottish needs. What guarantee can he give me that the base load that keeps this country running will be maintained when the wind does not blow?

Edward Miliband: My hon. Friend is a passionate advocate for the new nuclear industry and the role that it can play in this country, and he is right. I have tried to set out in my statement the combination of low-carbon fuels that we need, with nuclear providing the base load, renewables as a plentiful source of supply, but intermittent, and flexible peak load response.

Mr. Tom Watson (West Bromwich, East) (Lab): My right hon. Friend has made a big call today and I commend him. On his proposals for the management of radioactive waste, can he comment on proposals for the deep waste repository, and what date does he think that it might be constructed, as it is important to building a public consensus around nuclear rebuild?

Edward Miliband: My hon. Friend asks an important question, and there is more information in the documentation we have provided. The truth is that deep geological storage is a long way off, because—as I said to the hon. Member for North Southwark and Bermondsey (Simon Hughes)—waste will stay on the site for many years to come after decommissioning and will then go into deep geological storage. It is also worth saying that several councils in west Cumbria have expressed an interest in being the site for the deep geological storage.

Dr. Stephen Ladyman (South Thanet) (Lab): With the single caveat that my right hon. Friend should revisit the decision about Dungeness, I warmly welcome his statement today. Can he assure me that he will talk to those colleagues responsible for higher education to ensure that we create the training places to produce British graduates in physics and engineering to man this industry in the future?

Edward Miliband: My hon. Friend is absolutely right. We need to ensure, both for reasons of national prosperity and, frankly, energy security and climate change, that we have a supply chain that can accommodate the increase in nuclear power we are talking about. My hon. Friend the Under-Secretary is working on this with the Department for Business, Innovation and Skills.

Mr. David Drew (Stroud) (Lab/Co-op): Much as I have concerns about the IPC process, I welcome what my right hon. Friend has said about nuclear. Following on from what my hon. Friend the Member for South Thanet (Dr. Ladyman) said, will my right hon. Friend put into the final national policy statement a clear requirement for an investment in British jobs if we are to have new nuclear power stations?

Edward Miliband: It is tempting on these occasions to load the IPC with a huge number of responsibilities. Part of what I have tried to set out is a balance of powers, so that it is the role of Government to set out need, get the skills strategy right and obtain the investment. The job of the IPC is to make a specific judgment about specific developments. That said, I am sympathetic to the point my hon. Friend makes about ensuring that we get the jobs in this country.

BILL PRESENTED

INSTALLATION OF LETTER BOX GUARDS (PROTECTION FROM DOGS) BILL

Presentation and First Reading (Standing Order No. 57)

Ann Coffey, supported by Ms Karen Buck and Janet Anderson, presented a Bill to require householders to fit a letter box guard if they are in possession of a dog; and for connected purposes.

Bill read the First time; to be read a Second time tomorrow, and to be printed (Bill 161).

CORONERS AND JUSTICE BILL (PROGRAMME) (NO.4)

Motion made, and Question put forthwith (Standing Order No. 83A),

That the following provisions shall apply to the Coroners and Justice Bill for the purpose of supplementing the Orders of 26 January and 4 and 23 March 2009 (Coroners and Justice Bill (Programme), Coroners and Justice Bill (Programme) (No. 2) and Coroners and Justice Bill (Programme) (No. 3)):

Consideration of Lords Amendments

1. Proceedings on consideration on Lords Amendments shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption at this day's sitting.

2. The proceedings shall be taken in the order shown in the first column of the following Table.

3. The proceedings shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

TABLE

Lords Amendments	*Time for conclusion of proceedings*
Nos. 1, 2 and 216	One and a half hours after the commencement of proceedings on consideration of Lords Amendments.
No. 55	Three hours after the commencement of those proceedings or the moment of interruption, whichever is earlier.

TABLE

Lords Amendments	*Time for conclusion of proceedings*
No. 59, 119, 121, 236 and 239	Five hours after the commencement of those proceedings or the moment of interruption, whichever is earlier.
Nos. 66, 3 to 54, 56 to 58, 60 to 65, 67 to 118, 120, 122 to 215, 217 to 235, 237, 238, 240 to 244	The moment of interruption.

Subsequent stages

4. Any further Message from the Lords may be considered forthwith without any Question being put.

5. The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—*(Mr. Heppell.)*

The House divided: Ayes 282, Noes 213.

Division No. 240] **[4.49 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael
 (Worcester)
Foster, Michael Jabez
 (Hastings and Rye)
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai
Healey, rh John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonnell, John
McGuire, rh Mrs. Anne
McKechin, Ann
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha

Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, David
Wright, Dr. Tony

Tellers for the Ayes:
Mr. Bob Blizzard and
Mr. John Heppell

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baker, Norman
Baron, Mr. John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David
Djanogly, Mr. Jonathan
Duddridge, James
Duncan, Alan
Dunne, Mr. Philip
Durkan, Mark
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Christopher
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall-Andrews, Mr. Robert
Mason, John
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Mulholland, Greg
Neill, Robert
Newmark, Mr. Brooks
Osborne, Mr. George
Ottaway, Richard
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Mr. Keith
Smith, Chloe
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Mr. Ian
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Noes:
Lorely Burt and
John Hemming

Question accordingly agreed to.

Coroners and Justice Bill

Consideration of Lords amendments

Mr. Deputy Speaker (Sir Michael Lord): I draw the attention of the House to the fact that financial privilege is involved in amendments 12, 14, 28, 54, 66, 131, 145, 149, 150 and 185. If the House agrees to any of these amendments, I shall ensure that the appropriate entry is made in the *Journal*.

After Clause 5

INFORMATION FOR REQUESTS

5.3 pm

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): I beg to move, That this House disagrees with Lords amendment 1.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: Lords amendment 2, and Government motion to disagree.

Lords amendment 216, and Government motion to disagree, and amendments (a) and (b) in lieu.

Lords amendments 112 and 127.

Lords amendment 128, and amendment (a).

Lords amendment 129, and amendment (a).

Mr. Straw: This group of amendments concerns an extremely important issue. It relates to the question of whether an investigation into the cause of death can take place within the coroners system, and in compliance with article 2 of the European convention on human rights, in circumstances involving highly sensitive information, such as intercept material, which cannot be made public. It is only in a very small number of inquests—fewer than 2 per cent. of all inquests—that the coroner has to sit with a jury. Those are often the most controversial cases, where someone has died potentially at the hands of the state. Of that 2 per cent., there are only a tiny number where article 2 is engaged and there is sensitive material that should not be publicly disclosed.

I should say right at the beginning that every effort is made by this Government—and will be by any Government and by law enforcement agencies—to push for the standard coronial system with a jury in this kind of case to ensure that, if humanly possible, it is a normal coroner's inquest with a jury that holds the investigation. There was some suggestion with the de Menezes case that it would not be possible, because of the sensitive material, to hold such an inquest, but in the event it was, as ways round the problems were found. That was to the general approbation of everybody—not least and above all to the families and the community concerned. There is no intention whatever—by the agencies, by the police, by the Government, by the Law Officers—that any provisions in this Bill should ever be used as an alternative to a normal inquest where such a normal inquest can, by stretching the envelope as far as possible, be used. Where intercepted evidence is available, every effort is made to gist that material and if the coroner is satisfied that the gist provides a fair summary of the evidence, that is regarded as satisfactory.

Mr. Graham Allen (Nottingham, North) (Lab): For those of us who are not distinguished lawyers and who come to the debate as lay people, will the Secretary of State please tell us what arrangements exist so that highly sensitive information can be discussed or divulged in camera? Is there not already provision that would cover most of the cases that he refers to?

Mr. Straw: In a sense, my hon. Friend makes my point. There is potential for any tribunal—with a small "t"—to go into camera. In many cases, that provides the answer. For sure, there are long-established rules so that in cases where human intelligence is involved evidence can be given by the staff of the security and intelligence agencies from behind screens—or otherwise their identities can be withheld. In most cases, that is satisfactory. There is, however, a tiny number of cases—there is one we know of at the moment; only one—for which the central evidence arises from intercept. There is a grave anxiety—this is a central issue in the whole question of the disclosure of intercept—that if that evidence were made available as intercept transcriptions in closed court, it would have to be made available to those present, including many who had not been cleared for these purposes.

This issue was examined in great detail by the Chilcot inquiry. As I will explain, it came forward with nine conditions in which intercept material in our environment—not in other people's environments—could be made available to the court. I am glad to see in their places today the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) and the right hon. Member for Berwick-upon-Tweed (Sir Alan Beith), both of whom sat on the Chilcot inquiry and the subsequent advisory panel, so they know a huge amount about this issue.

Mr. Robert Marshall-Andrews (Medway) (Lab): This assessment must have been made so will the Secretary of State please tell us how many inquests—shall we say in the last five years—he estimates would have been affected by this Executive intervention?

Mr. Straw: As far as I know—if I am wrong, I will try to correct the record before the debate is concluded—there is one outstanding case, the Azelle Rodney case, which goes back four years. We are dealing with a tiny number of cases, but the problem is that unless we find a way through this problem, there will be no satisfactory investigation into the cause of death in an equivalent case—I make no prejudicial remarks about that particular case.

The original proposals for so-called secret inquests came from my right hon. Friend the Member for Airdrie and Shotts (John Reid), when he was Home Secretary. They did not find favour and were withdrawn, as it was the Secretary of State deciding on whether an inquest should be held without a coroner. It was thought inappropriate—I understand the arguments and agree with them—for the decision in such a sensitive matter to be made by a Home Secretary alone. After much consideration and discussion, I proposed a different scheme that found its way into clause 12 of the Bill as it left the House: a Home Secretary would form a view that a non-jury inquest was required, and the Lord Chief Justice would nominate a senior judge to hear it, but a prior hearing by that judge would determine, on application by the Secretary of State and on hearing the other parties, whether to accede to that application on clear criteria.

David Howarth (Cambridge) (LD): Will the Secretary of State also confirm that clause 13, as originally drafted, allowed the use of intercept evidence?

Mr. Straw: Section 18 of the Regulation of Investigatory Powers Act 2000 also allows the use of intercept evidence in certain cases, but the difference is that in neither scheme was intercept evidence to be made available to a wide variety of parties in the courts, or to a jury. We are not digging in—we never have—and saying that in no circumstances should intercept evidence be available to a court, prior to the Chilcot recommendations being implemented. I was the Home Secretary who introduced, in 1999-2000, the Regulation of Investigatory Powers Act. The central issue is how to ensure that such sensitive material, and all the techniques behind it, are protected.

Everybody who has been in the position—as have I, the right hon. and learned Member for Folkestone and Hythe, and the right hon. Member for Berwick-upon-Tweed as a member of the Chilcot committee and the Intelligence and Security Committee—of operating or supervising the system is alive to the dangers and invites others to take on trust the nature of the dangers. I hope that colleagues will accept, from a wide variety of sources, and from right hon. Members who do not necessarily agree on everything, that a serious issue needs to be addressed. If I felt otherwise, I would say so, as would the other right hon. Gentlemen involved.

Sir Alan Beith (Berwick-upon-Tweed) (LD): There is another complication to the problem, which is not just awareness of the dangers, but certainty that a particular step will not necessarily lead to others that expose the dangers. Although it might prove entirely reasonable to use intercept in particular circumstances, the rules to make that possible do not have to create a situation in which intercept is used in circumstances in which that would be dangerous to national security.

Mr. Straw: I accept that, and in our debates about intercept some people have taken the view that we should just make it available. The Chilcot committee looked in some detail at the systems in other countries, but our system is much more adversarial, and the rules relating to the disclosure of unused material, and the police techniques behind it, are much tougher in most cases than those in other jurisdictions. That is fundamental to the problem that Chilcot was trying to deal with.

We have to find some way of achieving a solution when there has been a death at the hands of the state and article 2 is involved, as are the requirements that, in every other circumstance, a jury inquest would take place. There can be a satisfactory finding of fact about the cause of death. There is a fundamental difference between such an investigation into a death, and any investigation leading to a criminal trial. In extremis—this has happened—the prosecution have the discretion to withdraw a prosecution, as they can balance the public interest if they think that they are being required to disclose material that would damage national security. In the context of an inquest or an investigation of a death under article 2, that is not an option, because it is the death that triggers investigation in the circumstances. There is no discretion. The investigation must be held. The only issue before the House—and it is an important one—is what the environment of that investigation should be.

5.15 pm

When clause 12 failed to find favour, I announced, along with my right hon. Friend the Home Secretary, that as an alternative he would use the provisions in the Inquiries Act 2005 to establish an inquiry. That had been suggested to us informally as an alternative. Provisions introduced in the other place make it clear that the matters before any such inquiry must be those matters which would have been before any inquest, as an irreducible minimum. There is also provision, in schedule 1, for the inquest itself to be formally adjourned while an inquiry takes place, and general provision for it to be resumed. In some cases it may be decided that there is no need for it, while in other cases it will be resumed.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): In earlier debates, I put to the Secretary of State the possibility of introducing public interest immunity certificates into the whole scenario, thereby excluding the detail of intercept evidence. To this day I am not sure what the explanation is, whether it holds good, and whether it could apply. Will the Secretary of State please address that point?

Mr. Straw: Public interest immunity certificates are used to withhold from a jury information that would otherwise be disclosable, but not in a case in which it could lead to an injustice. The right hon. and learned Member for Folkestone and Hythe signed plenty of PIIs, and I signed plenty of them both as Home Secretary and as Foreign Secretary. The difficulty in this instance is that if we leave it to a jury to consider the matter—as even those who support the idea, such as Lady Miller and certain interest groups outside, will accept—the finder of fact, the jury in this case, will be expected to find the facts when some of the key facts are being withheld. Surely that is far less just than allowing a senior judge of High Court status or above to examine the issue.

Mr. Andrew Dismore (Hendon) (Lab): Schedule 1(3)(2) to the Inquiries Act states:

> "The coroner need not suspend the investigation if there appears to be an exceptional reason for not doing so."

Will my right hon. Friend confirm that an exceptional reason might be that the inquiry did not comply with article 2 of the European convention on human rights? If a coroner took the view that it did not, would he be within his rights if he refused to suspend the investigation, and would my right hon. Friend support him in that decision?

Mr. Straw: With great respect to my hon. Friend, I think that the idea of inquiries is that they should comply with article 2. There would be scarcely any reason for proceeding if they did not. I shall say more about this when I sum up the debate, but if that were the case, the matter would fall to be resolved in the normal way, and it might well be for the court to decide whether the inquiry was compliant with article 2.

Mr. Dominic Grieve (Beaconsfield) (Con): As I shall make clear in a moment, I am conscious that the Secretary of State has a real problem, and that it is for us in the House to try to help rather than hinder him. Will he confirm, however, that there may already be all

[Mr. Dominic Grieve]

sorts of trials—inquests and, indeed, criminal trials—that might be helped by the admissibility of intercept evidence?

Let us be clear about this. The category of case to which the Secretary of State is referring is not a category of case in which intercept evidence might be available that would help but, I assume, a category of case in which intercept evidence goes to the very heart of the decision of an inquest or inquiry. That already narrows it down considerably.

Mr. Straw: Yes, it does. Typically, the intelligence agencies or the police have available to them intercept evidence which is highly incriminatory. That is, indeed, the argument in its favour, and the reason for its use in cases abroad. It has been judged to be in the wider public interest not to make it available up to now. Chilcot has come forward with his nine conditions, but on the whole we manage to find other means of ensuring that evidence is found.

I should just point out to the House—this is not remotely a theological issue—that it has long been accepted that evidence obtained through recordings, such as hidden microphones, is adducible in court, and that is often used. The point here is that the compromise of techniques is far less. The balance in respect of public interest lies in favour of disclosure. We therefore put forward these proposals, and we sought to strengthen them in the interests of the parties not least by ensuring that a senior judge should be appointed to hold such inquiries.

A series of amendments were put forward in the other place, which I am inviting the House to reject today. They propose that this evidence should be made available to a normal inquest court, save in certain very limited circumstances where the court has a power to withhold it from the inquest jury. The difficulty here is that under the amendments the coroner could disclose the material to the interested parties even if that could cause very considerable damage to other parties. I say with respect that this is where I identify the central flaw in the argument of Baroness Miller and her supporters, such as Inquest, Liberty and Justice, with whom I have talked and for whom I have great respect—and my clause 12 is an attempt to square this circle. Those three supporters have said that

> "it will remain possible for a judge conducting an investigation to ban or restrict the jury's or public's access to material that would be contrary to the interests of national security."

If that is so, we return to the central problem here: in these cases, where the evidence from the intercept is key to the cause of death—because if it were not, it would be possible to offer other information—we are expecting juries to come to a decision based on facts that have not been disclosed to them. Baroness Miller inadvertently made the same admission herself. On Report, she said of the Chilcot inquiry conditions that

> "it must be possible for the Government and all their advisers to work out a way to put those nine conditions into the Bill in such a way…that they can stay within the inquest system and the conditions can be fulfilled."—[*Official Report, House of Lords*, 21 October 2009; Vol. 713, c. 733.]

I have two things to say about that. First, some very assiduous and imaginative individuals—including two in this House—are sitting on the advisory panel on the implementation of Chilcot, and achieving this end is very difficult. Secondly, I say, with respect to Baroness Miller, that I do not believe that she had read Chilcot's nine conditions. The second of them, for example, says:

> "Intercepted material originating from the intelligence agencies shall not be disclosed beyond cleared judges, prosecutors, or special (defence) advocates, except in a form agreed by the originator."

There are various other restrictions on disclosure, too, so we are back in the same box. In a criminal trial, even where there are PIIs, it is fundamental that the trial judge ensures that there is a fair trial in every circumstance, and if he thinks there will not be a fair trial, including in respect of taking account of material he has seen under the PII, he can abort the trial. I say again that that is not a possibility in an inquest, which is an investigation into a death that has taken place.

David Howarth: Is the Secretary of State saying the following? On the one side, there is some risk—although presumably a very remote one—that a coronial judge might reveal information to the parties the revelation of which would be damaging to a party, or that a jury that contains people who are not secure might receive certain information. On the other side, there is a risk that some information will not be disclosed to the jury which it would need to make a perfect decision on the facts. Surely the problem is that that is making the best the enemy of the good. There is no perfect solution to this, but surely a system that allows, in general, the disclosure of intercept evidence will, in general, produce the best results.

Mr. Straw: The issue of whether and, if so, how intercept evidence can be used in our trial system has exercised senior politicians and senior members of the judiciary for a long time. It is not for the want of trying that we have yet, finally, to pin down a solution. That is the purpose of Chilcot's report and we have got closer to a solution through it than we have ever got before. I am extremely grateful to those who have been burning their brains out on how to ensure that we arrive at the correct solution.

However, we cannot suddenly say, in a rather blasé way, that we are just going to adopt Chilcot's approach for coroners' inquests, without having a proper scheme for every other circumstance. Precisely because of the fact that there is no discretion about whether or not to proceed with an investigation into a death whereas there is that long-stop protection of discontinuing a prosecution in a criminal trial, we have to ensure that the inquests system is more robust than any other—that is so by definition, because it has to be used in every case where there is a relevant case; there is no alternative but to hold an investigation. That is the point I make. I should say, as I was about to say in a moment, that what I have done, and so my right hon. Friend the Home Secretary has to have done, is ask the advisory panel on intercept evidence, which includes hon. Members here, whether they will particularly examine the issue of evidence in coronial matters, because we need to find a specific way forward.

I wish to illustrate the point some more for the benefit of the House. Amendment 2, which I am proposing to delete, includes a subsection that states:

> "A coronial judge shall not order a disclosure…except where the judge is satisfied that the circumstances of the case make the disclosure necessary to enable the matters required to be ascertained by the investigation to be ascertained."

It does not say, "Save where they believe that national security considerations apply." That simply makes my point; if this material is necessary for the finders of fact—the jury—it will go to the finders of fact. The amendment provides absolutely no protection for national security, notwithstanding the fact that the outside pressure groups have accepted that there should be, as has Baroness Miller, in this kind of throwaway line.

Mr. Grieve: I hope that I am not intervening at the wrong moment, but the Secretary of State may have noticed from the amendments that have been tabled that there appears to be an acceptance by those who have tabled amendments in lieu that the principle of the problem that he identifies about the use of intercept evidence may well be widely accepted across the House. The question then arises: what safeguards can the Government offer that the inquiry process will not be used in a way that would undermine the coronial process and be seen to be unfair? On that, may I simply remind him that in Committee, Lord Kingsland—before he died—provided a good steer as to the sort of protections that ought to be in the inquiry process to ensure that it would command confidence? The Government have not adopted all of those. The Secretary of State may comment about this in a moment, but I should say that they might go to the heart of being able to resolve this issue. At the moment, the problem we face is that the situation remains unsatisfactory and that confidence in the inquiry process as it appears in the Bill is not sufficient.

Mr. Straw: I have been up hill and down dale on this, as I know others have. I thought that clause 12 was a way of resolving this, because it would have placed in the hands of the senior judge the decision as to whether or not to proceed with a certain investigation, they would then have run the investigation and it would have been within the coronial system. That was parodied as a secret inquest, and we have now gone down the route of an inquiry under the Inquiries Act 2005. We have sought to ensure that only a senior judge can sit on this—other clear criteria are set down.

This matter has gone round and round for two years now and I am certainly ready to promise the House—Members will have to take it on trust, but there is no reason not to trust me—that the inquiry will be used only in exceptional circumstances. The facts speak for themselves—there is only one extant case in which it is likely to be used, and that is a very rare case. Secondly, I will ensure that my right hon. Friend the Home Secretary and I bring forward a protocol to set out the circumstances in which such an inquiry would take place. They would be very limited, too.

5.30 pm

It might be useful to deal with amendment (a), tabled by the hon. and learned Member for Beaconsfield (Mr. Grieve), to Lords amendment 128. It suggests that any appointment by the Lord Chancellor of a senior judge should be made with that judge's consent. First, there could and would be no appointment without the consent of the Lord Chief Justice. It is important that I should say that, and it goes without saying that I have to ask the Lord Chief Justice from time to time to nominate a judge; if he or she were to decide that no judge were to be nominated that would be the end of the matter. That power is quite important. The Lord Chief Justice can speak for himself, but I suggest that he would wish to be satisfied about the conditions under which any inquiry were to take place and about what the level of judicial discretion would be for such an inquiry before he made an appointment.

Mr. Marshall-Andrews *rose—*

Mr. Straw: I shall just finish my comments on Lords amendment 128, if I may. I shall then give way to my hon. and learned Friend and, afterwards, I shall finish my speech, as time is limited.

The hon. and learned Member for Beaconsfield suggests that the judge should consent to the Lord Chancellor's request, and I understand exactly why. If it is about agreeing to the appointment qua appointment, I can say that, with respect, that ought to be done by the Lord Chief Justice. Perhaps we should have put that in the Bill. We have not, but I give an absolute undertaking on that understanding and anyway, in practice, the Lord Chief Justice has a veto, quite properly, over whether somebody is or is not appointed. Of course he does. He might just say, "I'm sorry, there isn't anybody available," or, "I'm sorry, I will not appoint anybody because this is not an appropriate article 2-compliant tribunal and the learned judge will be compromised."

As the hon. and learned Gentleman would expect, I have looked carefully into whether I could accept his amendment. At first blush, it appears rather similar to the scheme that was in clause 11 of blessed memory, on page 7 of the Bill as it left the Commons, which spelled out that the judge would have to make a decision, based on certain criteria, about whether the application from the Secretary of State was to be accepted.

To some extent, my objection is technical but I promise the hon. and learned Gentleman that it is serious. We are at a late stage in the proceedings on the Bill, and although I had a lovely scheme in mind, there were no takers for it, so if the only proviso in the Bill is that the consent of the judge is required, he or she must work out how to exercise that consent. He or she cannot just say, "Yes, I'm available. I'll do it," but will have to say, "I will have to hold a hearing."

Another matter to consider is which criteria should be used. Clear criteria were set down in my proposals, but now there is only the hon. and learned Gentleman's amendment to consider. He could simply have pulled out the old clause 11(6) and plonked those criteria in. It is a bit late to do so, although I am not trying to make a point about that. Just so the hon. and learned Gentleman knows, the alternative I considered was whether there was any provision for the court to make rules, but we are not talking about a criminal case, so the criminal rules committee cannot make such rules. There does not appear to be any appropriate rule-making power.

I hope the hon. and learned Gentleman will accept that the point about consent will be dealt with by the clear undertakings I have given in respect of the Lord Chief Justice, but that for practical reasons it is not really appropriate to accept the amendment.

Mr. Marshall-Andrews: Does my right hon. Friend not understand that it is a question of scale? In any jury system there are always problems with public interest immunity—there always have been—and we get round

[Mr. Marshall-Andrews]

them by a mixture of evidential routes that has served us extremely well. We now have a problem in one case—just one case in five years—and to rectify that evidential problem the Government propose to hand a massive new power to the Executive. The disproportionate remedy in the circumstances is obvious to everybody. I know there is judicial oversight, but my right hon. Friend will forgive me for saying that he adulates the higher judiciary only when they are being used as a mechanism to withdraw jury trial. Otherwise, he is rather more critical of them and on occasion has described them both as unelected and unregulated and in various other ways. To say that there is a higher judicial role is not an adequate response. Does my right hon. Friend not understand that that is what concerns most of us in the House?

Mr. Straw: My hon. and learned Friend is an infinitely more experienced criminal practitioner than ever I was—I say that seriously, without condescension. However, there is a very big difference. In a criminal case, the trial judge can say, "I am not going to proceed, because it would be unjust", or the prosecution can say, "We are about to have crucial evidence that is sensitive and compromised. We will withdraw the prosecution", and sometimes does so, because there is no option. But with great respect, there will not be a massive new power in the hands of the state; it would be used extremely sparingly.

I feel extremely frustrated, because my scheme was to give the decision to a senior High Court judge, but that did not find favour. We tried plan A. That did not work. We tried plan B and that did not work, so now we have plan C. To those who say they do not like the idea of non-jury inquests, I say that I do not like the idea either, but I am trying to square an extraordinarily difficult circle, and I have not yet found a way of doing so except by a route similar to the proposal.

Mark Durkan (Foyle) (SDLP): The Lord Chancellor has told us that he is trying to square an extraordinarily difficult circle. He has indicated that he has a problem and the Opposition spokesperson has indicated that he acknowledges that the Lord Chancellor has a problem, and we have heard about the problems of the intelligence services. Does the Lord Chancellor accept that it is important that the House focuses on the real people who may have a problem, who could be a grieving, and potentially aggrieved, family in the future? It could be a perturbed public, who are concerned and suspicious about the circumstances of a death. Is he not at least a little bit uncomfortable that on a day when the Prime Minister is off in Berlin, celebrating the end of the Berlin wall, and the end of control and secrecy and all it represented, the Government are trying to put such measures through the House?

Mr. Straw: None of us is comfortable about departing in any case from jury inquests. I hope my hon. Friend will concede that none of us would be going down that route unless we felt that it was absolutely necessary, but as I said, Inquest, Justice and other groups accept that there is material that should be kept from an inquest jury. It may be absolutely central to the case, and the investigation still has to proceed. Baroness Miller accepts that material should be kept back. She referred to the Chilcot criteria, although the withholding would be rather more extensive than she anticipated. In any event, we cannot do it within the scope of the Bill.

The issue is whether we do or do not come up with a scheme that allows an article 2-compliant investigation to take place, where the finder of fact has access to all the relevant facts. The alternative that has been put to the House is a jury inquest from which material would be withheld, but, I suggest, on unsatisfactory grounds. That is not a way of reaching at the truth for the benefit of the parties—above all the aggrieved relatives. That is our overwhelming concern.

In conclusion, I sense from the sombre atmosphere in the House that everybody is addressing themselves to the issue. Even at this late stage, I invite the House to acknowledge that the issues that I have tried to deal with are extremely difficult. They will, I repeat, arise only in rare exceptions. It is in the interest of all of us that those exceptions are kept to a minimum, but occasionally they will arise. The scheme that we propose is a way of achieving justice, not least for the aggrieved parties.

Mr. Grieve: I shall be brief. I repeat what I said: I acknowledge that the Government have a problem. In the other place, amendments were tabled by Baroness Miller. As the Secretary of State knows from my earlier remarks, and as is implicit in the amendments tabled in lieu, there is an acknowledgement that to allow intercept evidence would be very difficult at this stage.

My party is on the record on countless occasions as wishing to see intercept evidence available in criminal trials and at inquests. That is desirable and it is a shift that needs to take place. I regret that the movement on this is so slow. We subscribed to the Chilcot process so that it could be reviewed, and the Chilcot process is not yet complete. Therefore I acknowledge that to ride a coach and horses through that would be unsatisfactory, even though it is an end that I would wish to see, properly arrived at.

The question then is how we solve the conundrum. The Secretary of State is right that the Bill has been up hill and down dale. He wanted to have a provision for secret inquests that could hear evidence secretly. He received universal opprobrium for that, partly because it debased the entire coronial system. As he will recollect, when the matter came to be discussed on Report, I suggested to him that it would be better if we called a spade a spade, and if we could not have an inquest in proper form, it would be better to look at the inquiry route, which already existed, as an alternative. At least the Secretary of State or some other Minister would have to explain to the House why an inquest was impossible, answer the hostile questioning of the House and enable Members to express a view, and then and only then, with probably a great deal of public debate surrounding the matter, would an inquiry go ahead.

It is also true, as I hope I made clear on Report, that when the matter went to the Lords in Committee, Lord Kingsland argued that if an inquiry route were to be pursued where normally an inquest would take place, there were a great many flaws in the inquiry procedure. He tried to rectify that. It was virtually the last speech he ever made. The Government accepted some of what he suggested, including the need for a High Court judge, and some other safeguards concerning the scope of the inquiry. What the Government did not do was to listen to Lord Kingsland's calls that that had to be a judicial process, not an administrative process.

The Secretary of State highlighted my amendment (a) to amendment 128, and I am the first to accept that it is probably desperately inadequate. The procedures that we have in the House are now so barmy—there is no other way to describe them—that I had to draft the amendment even before the Bill had come back from the Lords. All I could do, with the help of the Clerk in charge of the legislation, and with the anxiety that as an amendment in lieu, anything more would probably not be accepted, was to find some way of bringing back to the House the issue of judicial control. Imperfect though the amendment may be, its purpose was simply to give the House the opportunity to say, "Perhaps if we have to have an inquiry, there should be a judicial lock on it." Interestingly, that is exactly what the Secretary of State hinted he was minded to grant in the original draft of clause 11(6). I am a little mystified about why he did not pursue the road that Lord Kingsland identified for him, because, if the Secretary of State had, we would not have ended up with the situation that we had in the House of Lords on Report, when everything went in all directions. I hope that I am not being unfair, but the anxiety that their lordships clearly manifested finally expressed itself in allowing intercept evidence.

5.45 pm

Mr. Straw: I did not intend any criticism of the hon. and learned Gentleman's drafting of his amendment in lieu. As he knows, I spent 18 years in opposition, 17 of them as an Opposition spokesman for one thing or another, and I used to have to draft such amendments. I hope, however, that I have given him a lot of comfort—albeit not in the Bill—about the practice, which will be inevitable, in circumstances where there is an appointment. Of course I accept that the noble and much lamented Lord Kingsland was searching constructively for a solution, and we were trying to find one, but it is also fair to say that some who have objected at each stage to what we have tried to do, not including the hon. and learned Gentleman at all, will object in any circumstances to there not being an inquest jury in full possession of the facts. That is the central difficulty with which we are trying to grapple.

Mr. Grieve: I appreciate the Secretary of State's comments, but I shall bring my remarks to a close.

It seems to me that the amendment in lieu tabled by the hon. Member for Hendon (Mr. Dismore), which the Secretary of State has not signed, but which would leave out paragraphs (3) and (8) from schedule 1, has this great merit: it would ensure that the Bill went back to the other place, where the issues that I have just raised could be addressed. If we go along the route that the Secretary of State has advocated, and we do not support the amendment, the Bill will effectively go on to the statute book in its present form. That would be unsatisfactory, so with that in mind I intend to support the amendment in the name of that hon. Gentleman and those who have signed it.

We may be at a late stage, but just because we happen to be discussing it on the Monday before Parliament is due to prorogue on the Thursday, we should not suddenly suspend our critical faculties. We are considering Lords amendments, and, if we do not wish the issue to be dropped completely, the proper course of action will be to ensure that it stays in play, so that when the Bill goes back to the other place the Government can take on board what has been said here and, I dare say, what will be said there and come up with a constructive solution that respects its concerns as well as those of Members from all parts of this House.

Mr. Dismore: I shall speak to the amendments in lieu that are in my name and those of other Members who have signed them on a cross-party basis. I, like the hon. and learned Member for Beaconsfield (Mr. Grieve), accept that there is a problem with intercept evidence, and it needs a comprehensive solution. In trying to table sensible amendments in lieu, I was handicapped by the procedures of the House, which meant that the only possibility was to propose the removal of paragraphs (3) and (8) from schedule 1.

On 30 April 2005, Azelle Rodney was in the rear seat of a car in Hale lane, Edgware, in my constituency. A police officer fired eight shots at the car, six of which hit Rodney, killing him. There is no evidence that Rodney was holding a gun when he was shot, although the other occupants were successfully prosecuted, firearms having been found in the vehicle. The suggestion was that it was part of a drugs operation, not, I have to say, a national security issue, and that covert surveillance was used.

The Independent Police Complaints Commission report has not been published, but it recommended no action. Four-and-a-half years on, there has been no inquest and no explanation, and Azelle Rodney's mother, Susan Alexander, wants, needs and has a right to know what happened to her son. So do constituents, because they were made fearful by the incident having taken place in broad daylight at a busy junction. They, too, would like to know what was going on.

I was pleased when my right hon. Friend the Justice Secretary announced that the secret inquest proposals in the Bill were to be dropped, but I am disappointed that they have been replaced by secret inquiries. This debate seems to be something of a "Groundhog Day" in terms of the issues that we may have to cover. Schedule 1(3), which my amendment would remove, provides for the suspension of inquests

> "on the ground that the cause of death is likely to be adequately investigated by an inquiry under the Inquiries Act 2005".

However, there are no criteria or grounds for superseding an inquest specified in the Bill. On that basis, the proposals before us are worse than those that were withdrawn for secret inquests.

Article 2 of the European convention on human rights provides a positive obligation to provide an adequate and effective investigation when individuals are killed as a result of the use of force, particularly where the death is a result of the use of force by state agents. The person conducting the investigation must be independent of those implicated in the events, there has to be a sufficient element of public scrutiny to secure accountability in practice as well as in theory, and the investigation must involve the next of kin to the extent necessary to protect their legitimate interests.

According to the schedule, the coroner may not suspend the inquest if there is an exceptional reason for not doing so. In an intervention, I asked my right hon.

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Friend whether, if the investigation was not going to be article 2 compliant, that would justify the coroner's refusal and whether he would uphold the coroner in making that decision. I was given a rather ambivalent answer. If the procedure was going to be article 2 compliant in the first place, one would not need to use the provision—it is only the implication that something would be missing from the inquest that puts matters in the article 2 questionability arena. If the coroner considers that it is an exceptional circumstance, then presumably he should be able to refuse the request. I canvassed this issue in correspondence on behalf of the Joint Committee on Human Rights with my right hon. and learned Friend the Leader of the House, who was then Minister of State at the Department for Constitutional Affairs. She replied on 22 January 2007:

> "the Government does consider that a reasonable belief that the inquiry proposed by the Lord Chancellor would not meet Article 2 requirements because of its scope, would be an exceptional reason which would justify a coroner's refusal to suspend an investigation."

Mr. Straw: I am listening to my hon. Friend with care. Aside from the inadvertent impact that the amendments would have, although I understand the problems about drafting, how would he propose to address the central question at issue, which is how one would deal with highly sensitive intercept material where some of the facts of the intercept—the techniques behind it, as the right hon. Member for Berwick-upon-Tweed (Sir Alan Beith) put it—should not, for very good reasons, be disclosed to the inquest jury?

Mr. Dismore: We run the risk of rehearsing debates that we had before on secret inquests. The starting point is that an inquest is not intended to prove something beyond all reasonable doubt. Public interest immunity applies to inquests, subject to judicial review by either side, and the Government can persuade the coroner to withhold sensitive material, as happened and was upheld in the Jordan and McCann cases, for example. My right hon. Friend has already mentioned gisting. Such restrictions are compatible, in principle, with an article 2 compliant inquiry. My concern is that what is being proposed is a secret inquiry at the behest of the Executive.

Mr. Straw: I cannot allow my hon. Friend to gloss over this issue. There is no question of these proceedings being secret. Most of it would be entirely public, although of course part would be secret. What he says is all true. However, what if we are in a situation, which appears to be so in the case of Azelle Rodney, where these devices are not possible? They were, happily, possible in the case of Charles de Menezes, but what if they are not? What do we do then?

Mr. Dismore: As I have indicated, there are other options. We simply do not know enough about the Rodney case to answer that question; that is part of the problem.

Mr. Straw: I am sorry, but I must press my hon. Friend. He is coming to some clear conclusions about one option, on the basis of the Rodney case, but the moment I put to him the heart of the issue, he says that we do not know enough about it, although we have to make a decision about it in the next week. I suggest that he is moving away from the central issue. Whenever I put it to him, "This is the heart of the issue—what would you do?", he says that it would not arise very often. It does indeed not arise very often—it is very rare—but when it does, what would he do?

Mr. Dismore: I think my right hon. Friend is putting a false prospectus before the House in this respect. My main concern is to ensure that there is an article 2 compliant investigation. I have given indications of how that can be achieved in these circumstances; it may well be that there are other ways round it. The hon. and learned Member for Beaconsfield has given my right hon. Friend a way forward by saying that if the amendments in lieu are accepted, the Bill could go back to the Lords with some reassurances to try to deal with some of these problems.

This system has operated before, in Northern Ireland. British Irish Rights Watch has written to Members to say:

> "We have monitored the use of the Inquiries Act in Northern Ireland and have found it lacking in its ability to deliver truth and justice to the bereaved, build confidence in the rule of law and to comply with the UK's human rights obligations."

So this may not just be a one-off, because it has happened before in Northern Ireland on several occasions, and it has been shown not to have worked in terms of providing article 2 compliance and building confidence in the rule of law.

Mark Durkan: In relation to the experience of inquiries under the Inquiries Act 2005 in Northern Ireland, were not some of the most critical spokespersons in relation to how those inquiries worked Government Ministers themselves?

Mr. Dismore: My hon. Friend knows far more about Northern Ireland than I do, and I would certainly pray in aid his intervention in my argument.

Jenny Willott (Cardiff, Central) (LD): So far there has been only one case to which this relates—the one that the hon. Gentleman mentioned involving his constituent—and people have had to find their way through the system to be able to hold inquests in all the other cases. Does he share my concern that if there were an opt-out, we might find that under these proposals a larger number of cases were being held in secret?

Mr. Dismore: That is a real fear. My right hon. Friend rightly said that the de Menezes case was dealt with under the inquest procedure. That is because there was no other way of dealing with it. If these arrangements had been available, perhaps the de Menezes case might not have seen the light of day in the same way—similarly with the Dyson case, which dealt with depleted uranium victims from the first Gulf war, or the Mubarak case, where the Government resisted tooth and nail proper inquiries into the death of that young man in Feltham young offenders institution.

Frank Dobson (Holborn and St. Pancras) (Lab): My hon. Friend is a lawyer and understands these things rather better than I do. Does he share the concern and puzzlement of quite a few people that in the de Menezes case, where some of the evidence was clearly related to national security, the existing law worked, whereas in the Azelle Rodney case, where we are told that national security is not at stake, we are also told that there is something so deadly secret that it cannot be disclosed? We should bear it in mind that we were told, not on the Floor of the House but by Ministers, that there was no chance of an inquest in the de Menezes case unless we changed the law—but we did not change the law, there was an inquest, and it was carried out quite satisfactorily.

Mr. Dismore: My right hon. Friend makes his point. The Rodney case was a police operation to try to bust a drug gang. It was a very dangerous gang by the sound of it—firearms were involved—but it was not an issue of national security in terms of intercept evidence.

Given the way that the Bill is currently phrased, there will be secret inquiries at the behest of the Executive. The Executive will set the terms of reference, the Minister will choose the judge, the Minister or the judge can restrict attendance at the inquest, the Minister or the judge can restrict the disclosure or publication of evidence or documents, the Minister can redact reports and recommendations at the end of the inquiry, and the Minister can suspend the inquiry merely on the grounds that it is in the public interest to do so. That is far more broad and generous to the Secretary of State and to Ministers than the original super-inquest proposals were. That is why I am worried that there are no safeguards in the Bill that deal with this issue.

Similarly, if the inquest is resumed after the inquiry, the findings of the inquest are not allowed to be inconsistent with the outcome of the public inquiry, even if the jury comes to that conclusion. So if a judge is conducting a public inquiry and the inquest is later resumed at the behest of the coroner, the jury is not allowed to make a certain finding even if that is where the facts take it. Secret inquests are being replaced by the prospect of secret inquiries, which will not be adequate and effective investigations. They will not be independent or provide public scrutiny, and they will not involve the next of kin in the way that they should.

6 pm

In the 16th report of the Joint Committee on Human Rights, we particularly considered the use of the 2005 Act and came to the conclusion that

> "any Inquiries Act 2005 inquiry specifically designed to circumvent an inquest, in order to meet the Government's concerns about disclosure of sensitive information would raise the same or similar issues as Clauses 11-12"—

the inquest provisions—

> "about the independence and effectiveness of that inquiry for the purposes of Article 2".

The current proposals will not give closure to relatives or create public confidence that lessons have been learned.

Are families expected to take seriously a secret inquiry chair's findings as to what happened to their loved one? It is sometimes difficult enough under the existing open arrangement to convince them that justice has been done. Are the public expected to accept the findings of a secret inquiry? We have seen the reaction that there has been to recent inquiries—the public have simply said that they have been whitewashes. That would happen particularly if reports were redacted and the family and pubic excluded from hearings or from seeing documentary or other evidence. The secret inquiries will cover exactly the sort of cases that should be held in the open—those in which the state is potentially implicated and independence is essential.

Amendment (a) in lieu is a consequential amendment to allow for the suspension of a normal inquiry, for example into a big rail accident, in which there will be none of the implications that I have mentioned. The proposals in the Bill cannot be allowed to become part of our law. We have to provide a proper, article 2 compliant process for relatives and the public.

David Howarth: I shall deal first with the amendments tabled by the hon. Member for Hendon (Mr. Dismore), which I support, and then with the Government motion to disagree to the Lords amendment introduced by my noble Friend Baroness Miller.

I have tried to emphasise throughout the debates on this part of the Bill that the question is not whether there are circumstances in which certain things have to be heard out of the public gaze—for example, when important matters of national security arise in the course of a coronial investigation—but whether there should be a jury in important cases of deaths at the hands of state officials. That is the central question, and it is why the hon. Gentleman has to be right that it is no solution at all to move from a proposal to have inquests without a jury to one to have inquiries without a jury. That is just as bad, and as he pointed out, it is worse in many respects.

The key is public confidence. How can the public be confident when someone has died at the hands of a state official—a police officer, a prison officer or an officer of one of the security services—if the investigation into their death is carried out by someone chosen by the Government, with terms of reference chosen by the Government, and in circumstances in which, as the hon. Gentleman said, the process can be suspended by the Government? The Government could also determine the terms of the final report to some extent. The independence of such an inquiry would be suspect from the start, and the public would have no confidence in it.

Mr. Allen: Would the hon. Gentleman also say that deaths at the hands of state officials sometimes do not take place in public gunfights in broad daylight? They may take place in a cell out of the public eye, or when rendition or a severe form of interrogation such as waterboarding is taking place. Those cases are much harder to bring to public attention, so the safeguards need to be even tougher.

David Howarth: I fully take the hon. Gentleman's point. The whole purpose of investigations is to make state officials accountable in a way that they would otherwise avoid. To the extent that we do not go along the route that the hon. Member for Hendon suggests, we will allow unaccountable state action of that sort to take place.

The Government talk about national security, but as we have argued all along, there is no reason why an ordinary coroner's court could not carry out the task of protecting national security. It has the power to exclude the press and public or to issue public interest immunity certificates, and there is no reason why coroners or even juries should not be security vetted, as juries already are in espionage and treason trials. The question is, what is

[David Howarth]

the size of the risk, which the Secretary of State keeps coming back to, that there will be errors by judges or in the security vetting of juries? I believe that he exaggerates it. There must be a risk, but to exaggerate it to justify the removal of a jury from the process is the wrong way to go.

The Government keep coming back to the difference between criminal trials and coroners' proceedings, and they make the point that there is always the option of stopping a trial, whereas there is no such possibility in a coroner's inquest. That has never struck me as a particularly strong argument, because if there were a very important treason or espionage trial, how would it be in the public interest for prosecutors to believe that the right thing to do was to let someone they believed to be a spy, or worse, go free? In reality, stopping the trial is an option only in cases in which Government embarrassment is at stake, rather than real problems of spying, or worse. So that option does not really exist in criminal trials, either.

Sir Alan Beith: I have the utmost respect for my hon. Friend and his judgment, but I actually think he is wrong about this. A number of cases have arisen over the years in which prosecuting authorities, security and intelligence services and in some cases the police have had to make a judgment that proceeding would cause so much harm to the chance of collecting intelligence in future that it was not the right course of action.

David Howarth: I believe that my right hon. Friend is talking about cases that never start, but I am talking about trials that are halfway through. Perhaps we should study those cases in detail, but the cases in which that has happened have struck me as being more of a political nature than those he describes.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): I am reminded of a former Foreign Secretary in the ABC case of the late '70s, who felt that he had been assured that witnesses would not be exposed. The judge took a contrary view and the Government dropped the prosecution, having maintained that it was essential for national security reasons.

David Howarth: That is the type of case I had in mind. If right hon. and hon. Members have different examples in mind, perhaps they should mention them.

I believe that for the most part, the Government are taking comfort in an illusion. The comfort that they believe they feel does not really exist, because coronial cases and criminal trial cases are much closer than they imagine. In the end, it comes down to their distrust of the jury as an institution. They keep asking themselves, "Who are these people? Where do they come from? We don't know who they are. We didn't choose them. We don't control them." Yes, but that is the whole point of a jury and it is where the public confidence in using a jury comes from—it is not made up of people under the control of the authorities. The amendments tabled by the hon. Member for Hendon are important because they would re-establish that principle.

The question is one of balancing risks and what the reality is of the risks that the Government keep putting forward. They keep giving worst-case scenarios and presenting them as though they were inevitable and would happen on many occasions. Of course, they also say, "These things very rarely happen", so it does not strike me as an enormous risk. However, on the other side there is a risk that provisions such as those in the Bill will be used in other cases in which a jury has been used in the past. That is precisely what the debate about the Menezes case is about—the availability of such provisions and their use much more broadly than the single case to which the Government have pointed throughout the debate.

Mr. Michael Howard (Folkestone and Hythe) (Con): I am trying to follow the hon. Gentleman's argument, but I am not at all clear whether his strictures are based on the Secretary of State's reluctance to accept the amendments put forward by the hon. Member for Hendon (Mr. Dismore), or whether they relate to the admissibility of intercept evidence. If he is addressing the latter, I must say that the risk may be small and may arise out of the occasional, rare case, but very significant damage could none the less be done to our national intelligence capability. I am not clear whether the hon. Gentleman has that in mind in the strictures he is making, or whether he is limiting himself to the proposal of the hon. Member for Hendon.

David Howarth: In what I have said so far, I have spoken solely about the proposal of the hon. Member for Hendon, without considering the wiretap point, to which I will come separately. Both situations involve the same sort of judgment, although different levels of risk might be involved, as the right hon. and learned Gentleman says.

I can understand the point made by the hon. and learned Member for Beaconsfield (Mr. Grieve) about waiting for Chilcot, and the Secretary of State's argument that we cannot just insert the Chilcot criteria into the Bill; in fact, that probably would not produce the result that my noble Friend was looking for. However, some of the things I have been hearing about the legal objections to which Chilcot referred elliptically in his last report do not make any sense to me. If there are human rights objections or any sort of objections to schemes of partial disclosure, how much more do they apply to schemes of no disclosure at all? That is the argument I have been unable to follow throughout the entire debate.

I also cannot understand why anyone on the Government side, as the Secretary of State has rightly acknowledged, says that we must wait for Chilcot, because the original version of clause 13 included a scheme that would allow an inquest—admittedly a juryless inquest—to hear wiretap evidence. There are other examples of wiretap evidence being used by various tribunals—for example, in control order and financial restriction proceedings—so the Government have not waited for Chilcot and have done those things already.

This issue comes down to not trusting jurors—and, by the way, not trusting coroners. The idea is that there is some security risk specifically in the coroner's court and in the jury. The problems one hears about, such as fishing expeditions and certain information coming out if some forms of wiretap were admissible, already apply in the cases where wiretap evidence is already admissible, and would also apply under the original clause 13. It comes down to whether the Government are right to distrust the jury in the coroner's court so much, and whether the risks arising simply from the jury are worth taking. The Government have not yet proved their case on that. How do we know that juries are so unreliable?

My view is that the House should support the amendments put forward by the hon. Member for Hendon. I do not want to take up the House's time with a Division on the Government motion to disagree, because we have already heard that the official Opposition will not be opposing it, so there is no chance of defeating the Government. However, there is a serious chance of defeating them on the hon. Gentleman's amendments, and I urge all my right hon. and hon. Friends to support those amendments in a few moments.

6.15 pm

Mr. Marshall-Andrews: I will be very brief—briefer than I would otherwise be—one reason being that like many Members of the House, I would like to hear the views of the right hon. and learned Member for Folkestone and Hythe (Mr. Howard), if, indeed, Mr. Deputy Speaker, you were minded to call him at any stage. In that hope, I will be as brief as I can be.

I am grateful to be able to make a contribution in order to deal with what is a grotesquely overstated problem on the part of the Government. My good and right hon. Friend the Secretary of State has always been a master at creating theoretical, if not to say theological, problems with which he is able to torment Labour Back Benchers—he has had a good go at my hon. Friend the Member for Hendon (Mr. Dismore)—and at trying to get them to sort out such problems. The plain fact is that by the Secretary of State's own admission, the problem that this draconian measure seeks to remedy either does not exist or is so infinitesimally small that it would be a grotesque misuse of the House's power to hand the Executive such a very large extension of their powers.

May I explain why? Juries know all about covert, intercept, intelligence-based evidence. Let us take for the moment the example of juries in criminal trials. If a jury sits down and hears that a massive police operation nipped a huge bank robbery in the bud, they know perfectly well that covert information and intelligence was behind it, unless they are barking mad and come to the conclusion that the entire flying squad happened to be assembled at that particular point. Of course, if that arrangement is successful, there is no problem. The problem does not arise, and we do not have to worry about public interest immunity in a criminal court if there is a successful operation and people are caught red-handed.

It is exactly the same with a coroner's inquest. If somebody has been shot by agents of the state because they were believed to be a terrorist, there is no problem if it turns out that the person is a terrorist who was carrying bombs or was in the process of plotting. Such problems do not exist. Coroners will not be asked to investigate that kind of evidence. The problem happens when something goes terribly and demonstrably wrong, which is why it is so rare.

However, when something goes that wrong, and when something goes as wrong as it did the Jean Charles de Menezes case, there must be a public inquiry. Having a private, secret inquiry in those circumstances would be a devastating indictment of our system and of the use of Executive power. Despite the engaging way in which my right hon. Friend the Secretary of State talks about judicial oversight and superior judges—as I said in an intervention, it is always nice to hear him adulating superior judges on the occasion that he wishes to enlist their assistance in taking over jury trial—the measure is no counterweight or counterbalance to a jury sitting in an open inquiry, listening to how something has gone terribly and demonstrably wrong at the behest of the Executive.

My right hon. Friend says that the power will be exercised only rarely, but we have heard that before on many occasions—I am going to stop in a moment to give the right hon. and learned Member for Folkestone and Hythe a decent rein—such as when the House debated giving up jury trial in tampering cases. It was said in this House and in the other place that it would only happen in the rarest of cases, and only when the defence had been heard in full on the basis of all the evidence. That has simply not happened. There are two cases now in which the defence has simply not been informed of the reason why jury trial has been denied.

My right hon. Friend the Secretary of State may believe that it will happen rarely or will never be used, but the power that we would be giving to the Executive should never be given by this House, unless we were told in the clearest possible terms that to do so was a grave and immediate necessity. No one has made that case today, and in those circumstances I will take great pleasure in supporting the ingenious amendment tabled by my hon. Friend the Member for Hendon (Mr. Dismore). I could not get it past the Vote Office, but it is a brilliant idea.

Mr. Howard: I must first correct the Secretary of State. He said that I was a member of the Chilcot committee, but I was not a member of the original committee. The Conservative representative on that committee was Lord Hurd of Westwell, and I took his place when the committee changed its responsibility and began to supervise the work of the officials in the Home Office who have sought a way to meet the nine tests set out by the original committee. Although we have not yet achieved the objective of finding a scheme that meets those tests, those officials have been carrying out their work thoroughly and conscientiously in their attempt to meet that objective.

I decided that I should contribute to this debate because of my membership of the committee and I am therefore primarily concerned with the question of the admissibility of intercept evidence. Until the contribution by the hon. Member for Cambridge (David Howarth), it looked as if I need not trouble the House with my contribution, because—in sharp contrast to what happened in the other place—there seemed to be a splendid degree of consensus this evening on this subject. Indeed, until this happy consensus descended on the House, I thought at one point that I would be in the very unfamiliar position of voting with the Government against my own party. Happily, that will not be necessary.

It is worth setting out the history of the matter, partly to excuse the fact that my contribution lacks all novelty. I am here to repeat the arguments that I put before the House on the Second Reading of the Counter-Terrorism Bill on 10 June 2008 and the Second Reading of this Bill on 23 March this year. After I made my intervention on

[Mr. Howard]

the former, the provisions that would have made intercept evidence admissible at coroners' inquests were removed from the Bill. I do not lay claim to a causal connection between my intervention and the removal of the provisions: I merely set out the facts. I was therefore somewhat surprised when this Bill appeared and those provisions reappeared. Once again, I voiced my opposition on Second Reading, and once again—this time at Committee stage in the other place—the Government removed them from the Bill, and I was happy to see that. It is noteworthy that on that occasion they were removed from the Bill without a Division.

It therefore came as an even greater surprise that, on Report in the other place, those amendments designed to provide for the admissibility of intercept evidence were put back into the Bill, this time against the wishes of the Government but at the behest of both the principal Opposition parties in the other place. I am especially grateful to my hon. and learned Friend the Member for Beaconsfield (Mr. Grieve) for accepting the Government's view that to put those provisions in this Bill would have damaging and profound consequences for our intercept regime, which makes it unnecessary for me to take the very unfamiliar position of supporting the Government in the Lobby this evening.

It is important that the House understands that I do not take this position because I object in principle to the admissibility of intercept evidence. On the contrary, I have made it clear on numerous occasions, both in the House and outside, that I would very much like to see provision made for intercept material to be admitted in evidence, especially in cases of those accused of terrorism and other serious criminal offences. But things are not as simple as that. They are certainly not as simple as was suggested by the hon. Member for Cambridge.

The work that has been carried out by the officials in the Home Office, and which has been supervised by the Chilcot committee in its present form, has been exhaustive, and it continues. The nine tests that were set out by the original Chilcot committee were necessary if we were to protect a capability of the greatest importance in keeping the people of our country safe. It is one of the frustrating things about the argument that one cannot go very far into the details of justifying the need for those tests without getting perilously close to putting the capability at risk. I am sure that the right hon. Member for Berwick-upon-Tweed (Sir Alan Beith), who sits on the committee with me, would agree, although I must point out that I do not speak for the committee. It would be foolhardy to retain in the Bill the provisions that were inserted on Report in the other place. They do not meet the tests of the original Chilcot committee and, if they were to remain in the Bill, they would be a risk to this country's strategic intelligence capability that no responsible Government should take.

Sir Alan Beith: I hope that the right hon. and learned Gentleman would agree that neither of us wishes to exclude the possibility of finding a way to bring such evidence to bear in cases in which the object is to establish a cause of death. What we have at the moment does not achieve that.

Mr. Howard: I agree, and as the right hon. Gentleman will know, we have today been invited by the Home Secretary to extend the remit of the advisory committee to look at the possibility of admitting intercept evidence in coroners' inquests. I cannot speak for the right hon. Gentleman, but I would happily agree to the remit of the committee being widened in that way.

I have listened with great care and interest to the arguments on the amendment tabled by the hon. Member for Hendon (Mr. Dismore). The Secretary of State put a reasonable question to the hon. Gentleman, which he was not entirely capable of answering, but on balance I shall support the hon. Gentleman and my hon. Friends in the Lobby, if only because it will provide another week for the Secretary of State to take the opportunity to answer the question that he posed to the hon. Gentleman and to come forward with a satisfactory regime that would deal with some of the mischiefs that were identified so eloquently by many of the contributors to this debate, not least the hon. and learned Member for Medway (Mr. Marshall-Andrews).

Mr. Straw: With the leave of the House, I wish to reply to the debate.

I thank the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) for his remarks. I wondered how he would conclude, because I understand his discomfort in abstaining or not supporting those on his Front Bench. He went in for some wonderful casuistry to move from the position that he had adopted to the position that he now supports.

I say to my hon. Friend the Member for Hendon (Mr. Dismore) and others who spoke that I am glad that there is a profound difference between the view of this House and that of the other place. The view from all parts of this House—my hon. Friend added his name to my amendment to delete the additional provisions put forward by Baroness Miller in the other place—is that everybody accepts that there have to be circumstances where intercept evidence is kept from a jury hearing an inquest, so that at least is progress.

Then we hear suggestions that there are ways round that. My hon. Friend the Member for Hendon and my hon. and learned Friend the Member for Medway (Mr. Marshall-Andrews) say, "Well, we can do it through the existing measures." We have been through that. There are some cases—I assure my hon. Friend that they are indeed few and far between—where having a jury trial will result in an injustice, because there will be key evidence that cannot go before the jury as a finder of fact. With respect, where he is wrong is in suggesting that an inquiry headed by a senior judge would not be article 2 compliant. What would not be article 2 compliant in those circumstances would be the inquest jury, which would not be able to conduct a proper examination.

6.30 pm

There is another important point that I would make to the House, as the Opposition, as well as my hon. Friends, need to apply themselves to that which they seek to vote on in a moment, although I would advise my hon. Friends not to do so. My hon. Friend the Member for Hendon proposes that we delete paragraphs 3 and 8 of schedule 1. Paragraph 3 allows for a suspension of an inquest where there is an inquiry appointed under the Inquiries Act 2005 and where a judge has been appointed to hear that inquiry. I have already made it clear that in practice—I am happy to put this on the record again, and everybody who knows the practice knows this to be true—there could be no such appointment without the consent of the Lord Chief Justice, and his consent would be forthcoming only where he was satisfied about the circumstances and the discretion available to the learned judge. Those undertakings are absolutely clear.

I should also make it clear that if we were to pass the proposed amendments, that would not result in there being no inquiry under the Inquiries Act 2005. Rather, it would simply result in an inquest, which could not hear the evidence, running in parallel with an investigation that could hear the evidence. I suggest that that is the worst of all possible worlds—*[Interruption.]* I am being told to keep speaking. I am always happy to keep speaking. Although I appreciate his motives, I would ask my hon. Friend to appreciate what exactly he is proposing. He would end up with a muddle, where there would still be a requirement—

6.33 pm

One and a half hours having elapsed since the commencement of proceedings on consideration of Lords amendments, the debate was interrupted (Programme Order, this day).

The Deputy Speaker put forthwith the Question already proposed from the Chair (Standing Order No. 83F). That this House disagrees with Lords amendment 1.

Question agreed to.

Lords amendment 1 accordingly disagreed to.

The Deputy Speaker then put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83F).

Lords amendment 2 disagreed to.

Lords amendment 216 disagreed to.

Mr. Dismore: With the leave of the House, I would like to move amendment (a) in lieu.

Mr. Deputy Speaker (Sir Alan Haselhurst): I have to inform the House that it is not possible under the terms of the programme order for the hon. Gentleman's amendment to be put to the House. That is quite clearly laid down in the programme order and is backed by the appropriate Standing Order, so we have to move on.

Mr. Grieve: On a point of order, Mr. Deputy Speaker. I have to express some amazement that this has happened. If that is indeed the case, it is contrary to my earlier understanding that it would be possible to vote on amendment (a) in lieu. Indeed, the whole reason for that, as you will have appreciated from the tenor of the House, was that we should be able to vote on that precise amendment.

Mr. Deputy Speaker: I was all too aware that that was the consequence, but once the Justice Secretary spoke until 6.33 pm, that left the Chair with no option on this matter.

Mr. Straw: Further to that point of order, Mr. Deputy Speaker. I had no intention of doing that. I think that there ought to be a vote on amendment (a) in lieu, and if it requires me to move it, I will move it.

Mr. Deputy Speaker: The right hon. Gentleman anticipates me. The only way in which amendment (a) in lieu can be put to the vote is if he is prepared to move it.

Mr. Straw: Provided that the House understands that I shall vote against it.

Amendment (a) proposed in lieu of Lords amendments 1, 2 and 216.—(Mr. Straw.)

Question put, That the amendment be made.

The House divided: Ayes 266, Noes 274.

Division No. 241] **[6.35 pm**

AYES

Abbott, Ms Diane
Afriyie, Adam
Ainsworth, Mr. Peter
Allen, Mr. Graham
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Austin, John
Baker, Norman
Baldry, Tony
Barrett, John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, rh Malcolm
Buck, Ms Karen
Burgon, Colin
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Caton, Mr. Martin
Challen, Colin
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clark, Ms Katy
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Corbyn, Jeremy
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David
Dismore, Mr. Andrew
Djanogly, Mr. Jonathan
Dobson, rh Frank
Drew, Mr. David
Duddridge, James
Duncan, Alan
Durkan, Mark
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Field, rh Mr. Frank
Field, Mr. Mark
Fisher, Mark
Foster, Mr. Don
Fox, Dr. Liam
Fraser, Christopher
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gerrard, Mr. Neil
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Grogan, Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Havard, Mr. Dai

Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Hoey, Kate
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Hopkins, Kelvin
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Glenda
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
Mackinlay, Andrew
Maclean, rh David
Mactaggart, Fiona
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall-Andrews, Mr. Robert
Mason, John
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Mulholland, Greg
Mullin, Mr. Chris
Neill, Robert
Newmark, Mr. Brooks
Osborne, Mr. George
Ottaway, Richard
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prentice, Mr. Gordon
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Alan
Simpson, Mr. Keith
Smith, Chloe
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Mr. Ian
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Timpson, Mr. Edward
Tredinnick, David
Truswell, Mr. Paul
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Wareing, Mr. Robert N.
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Ayes:
Mr. John Baron and
Mr. Philip Dunne

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Burden, Richard
Burnham, rh Andy
Butler, Ms Dawn
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Cawsey, Mr. Ian
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Healey, rh John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay

Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacShane, rh Mr. Denis
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, rh Mr. Pat
McFall, rh John
McGuire, rh Mrs. Anne
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C.
(Sheffield, Hillsborough)
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Southworth, Helen
Spellar, rh Mr. John
Spink, Bob
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, David
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mark Tami and
Mrs. Sharon Hodgson

Question accordingly negatived.

Clause 45

MEANING OF "QUALIFYING TRIGGER"

The Parliamentary Under-Secretary of State for Justice (Claire Ward): I beg to move, That this House disagrees with Lords amendment 55.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: amendment (a) in lieu of Lords amendment 55.

Mr. David Heath (Somerton and Frome) (LD): On a point of order, Mr. Deputy Speaker. We had an unsatisfactory end to the previous debate due to the terms of the programme motion. The amendment in lieu, on which the whole House had expected to vote, could be properly considered only if the Lord Chancellor was prepared to move it from the Dispatch Box. Is it not the case that the same will apply with the forthcoming group of amendments, and that the amendment in lieu cannot be taken if the Minister is still speaking when the knife falls? Would it not be in the interest of proper debate if the Minister sat down before that point, or adopted the same principle of moving the amendment in lieu, so that the House may have a voice on the matter?

Mr. Deputy Speaker: The hon. Gentleman's assumption is correct. On the previous occasion we got into a difficulty by accident, but we were rescued in a way that satisfied the House, and enabled the vote to take place. That is the position.

Claire Ward: The Government cannot accept the amendment passed in the other place to remove the sexual infidelity exclusion in the new partial defence of loss of control. The history of the partial defence of provocation has led to a commonly held belief that this defence can be abused by men who kill their wives out of sexual jealousy—*[Interruption.]*

Mr. Deputy Speaker: Order. I am sorry to interrupt the Minister. We have moved on to other business, and I must ask hon. Members who do not intend to stay for this debate to leave as quickly and quietly as possible. The noise is quite unfair to the Minister and those who are trying to listen to her.

Claire Ward: Thank you, Mr. Deputy Speaker.

The history of the partial defence of provocation has led to a commonly held belief that this defence can be abused by men who kill their wives out of sexual jealousy or revenge for infidelity. This erodes the confidence of the public in the fairness of the criminal justice

[Claire Ward]

system. Even accepting that a great deal has been done in recent years to address this problem, and that pleas of provocation generally do not succeed on the basis of sexual infidelity, it is still true that under current law that defence can be raised and could succeed.

Mr. Grieve: The hon. Lady will be aware that, only two weeks ago, there was a case in which a jury came to precisely that conclusion under the existing rules and reduced the offence of murder to manslaughter on the ground of sexual infidelity as part of the provocation. Will she identify from where the outcry came, as a result of that difficult decision for the jury, to suggest that it has undermined confidence in the criminal justice system? Why is she suggesting that we should not leave to members of the public sitting on juries the difficult task of making a judgment in these matters? What is the basis on which the Government wish to withdraw that right from the jury?

Claire Ward: The hon. and learned Gentleman is right to raise that recent case, but the reality is that there is still an opportunity under existing law for that defence to succeed. The jury in that case decided that it was not appropriate, but it remains possible that a different jury, in different circumstances, might decide that it could succeed.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): The hon. Lady will know that, in 2004, the Law Commission published its report "Partial Defences to Murder" and, prior to that, a consultation paper. I am not aware that either document suggested that sexual infidelity should be removed from the classes of conduct capable of amounting to the defence of provocation, should the jury so decide.

Claire Ward: The general issue around provocation, and the change of defence, has been accepted by both Houses. The issue here is in respect of sexual infidelity. In respect of the particular case that the hon. and learned Member for Beaconsfield (Mr. Grieve) mentioned a moment ago, the jury came to a considered view on the attempted use of the defence of sexual infidelity, but that case also specifically referred to diminished responsibility.

Mr. Hogg: The Minister is slightly misunderstanding my point, and that might be my responsibility. The point that I am making is that the Law Commission did not—either in its final report or in its consultation document—suggest that sexual infidelity should be excluded from the classes of case that were capable of amounting to provocation.

Claire Ward: However, there is now a commonly held belief that cases exist in which that defence has been used successfully. We want to put the matter beyond any doubt.

Mr. Grieve: I still do not understand why the defence should not be used successfully. Why does the Minister wish to deny to a jury the right to make an assessment as to whether the offence should be reduced from murder to manslaughter on the basis of provocation? In virtually every other area, it will be allowed to make that decision, but apparently not in the case of sexual infidelity. What has the Minister got into her head that is making her want to withdraw that historic right from a jury?

Claire Ward: Frankly, we do not think that it is appropriate, in this day and age, for a man to be able to say that he killed his wife as a result of sexual infidelity. That is essentially the reason. If other factors come into play, the court will of course have an opportunity to consider them, but it will not be able to make the decision exclusively on the ground of sexual infidelity. The sexual infidelity exclusion applies in relation to the words and conduct limb of the new partial defence to murder of loss of control.

Mr. Grieve: Let us just take a quick example. A woman is abused by her husband over a long period, at the end of which they are reconciled. He says that he will moderate his behaviour and promises to be faithful to her in future. She comes home the following weekend to find him in flagrante with his lover. He tells her that the marriage is now at end, and she kills him. How is the jury going to be invited to disentangle the elements that went into causing that act? How is it supposed to disentangle the abuse, which it will be entitled to take into account, from the sexual infidelity, which the Minister now tells us that the Government, in their wisdom, have decided to deny it the opportunity to consider?

Claire Ward: The court may of course take into account whether there has been abuse, as well as other factors, but it will not be able to take into account a set of circumstances in which the defendant kills someone in an attempt to punish them or carry out some form of revenge purely as a result of sexual infidelity. I am really quite surprised that the hon. and learned Gentleman thinks that it is acceptable, in this day and age, for someone to use the partial defence that sexual infidelity is an acceptable reason for killing.

Mr. Grieve: This is not just my view. Perhaps the Minister would like to be candid with the House about what the Law Commission was advising the Government, even up to a few weeks ago, on the coherence of their proposals. My understanding is that the Government have received the clearest, most unequivocal advice from the Law Commission that this particular proposal—which was never in the commission's proposals—is nonsense.

Claire Ward: The Law Commission has said that such cases should not be left to the jury. Perhaps the hon. and learned Gentleman would like to refer to page 65, paragraph 3.143. Now perhaps I can move on—

Mr. Hogg: Page 65 of what?

Claire Ward: Of the Law Commission report. Now perhaps I can move on—

Mr. Hogg: I have the Law Commission's report here.

Claire Ward: It is on page 65, paragraph 3.143. I am happy to take further interventions as I proceed through my speech, which will perhaps give the right hon. and learned Gentleman an opportunity to consider the report.

Mr. Grieve: The Minister knows that the Law Commission's original proposals were cherry-picked by the Government. They decided not to adopt the commission's proposals for the categories of murder 1 and murder 2. I say again to the Minister that my understanding is that, at a meeting that took place—certainly not under Chatham House rules—between the Government, their advisers and the Opposition in the Lords, the representative of the Law Commission publicly urged the Government to desist from this course of action.

Claire Ward: Perhaps I can refer to page 65 of the Law Commission report. It states:

> "In Smith (Morgan), Lord Hoffmann, agreeing with the decision, said:
>
> Male possessiveness and jealousy should not today be an acceptable reason for loss of self-control leading to homicide, whether inflicted upon the woman herself or her new lover."

That, I think, provides some support across a number of areas.

Several hon. Members *rose—*

Claire Ward: I will take some more interventions in a few moments, but I want to proceed a little further.

7 pm

The sexual infidelity exclusion applies in relation to the words and conduct limb of the new partial defence to murder of loss of control. For that limb of the partial defence to succeed, the defendant must persuade the jury of the following: that he or she killed, or was a party to killing another as a result of losing their self-control; that this loss of self-control was triggered by a thing or things done or said—or perhaps both—that, first, constituted circumstances of an extremely grave character and, secondly, caused them to have a justifiable sense of being seriously wronged. Finally, the defendant must show that a person of their sex and age with a normal degree of tolerance and self-restraint and in their circumstances might have reacted in the same or in a similar way to the defendant.

This is a purposely high threshold designed to narrow the circumstances in which a partial defence to murder can be made out based on anger. However, in order to put the matter beyond any doubt, the Bill as introduced in this House also made specific provision that in assessing whether the things said or done constituted a trigger for loss of self-control, the fact that a thing done or said constituted sexual infidelity is to be disregarded by the jury.

Miss Ann Widdecombe (Maidstone and The Weald) (Con): I am grateful to the hon. Lady who has given way very generously. I am not a lawyer, so perhaps we can put this into terms that a layman can understand. The difference between murder and manslaughter is essentially the difference between premeditation and instantaneous reaction. If a man or woman comes home and finds her spouse in flagrante and loses control on the spot—not having premeditated finding such a thing—and hits the spouse over the head with a saucepan, which, instead of merely silencing, kills that spouse, most rational people would say that that was manslaughter, not murder. If we are completely to disregard the sexual infidelity in that situation, it removes a defence that would be reasonable in all other circumstances.

Claire Ward: I think that a very important principle is at stake here: whether or not this House believes—it has already put its views on this matter on the record—that when a person commits sexual infidelity they in some sense bring upon their own death at the hands of their partner, husband or wife. That surely cannot be the way in which we should proceed. The reality is that in many court cases, it was decided that that was not an appropriate partial defence, so we wish to make it absolutely clear in the Bill that it cannot be a partial defence in those circumstances.

Mr. Llwyd: May I tell the Minister about a case I was involved in not so long ago? A person was bragging about having had relations with a man's wife. The man who was offended went out, bought a knife and stabbed the other person to death. Would the person using the knife have a defence or not? The man killed had said that he had been with the man's wife and various rude things, so would the new defence be open to the individual who killed the man immediately with the knife?

Claire Ward: I do not think it is a matter for me to set out the circumstances; it would depend on the context, which is what the court would have to consider. We are simply saying that sexual infidelity in itself cannot and should not be an acceptable reason for a defence for murder.

Anne Main (St. Albans) (Con): Does not the Minister accept that the sexual bond between two people gives them a greater closeness and involvement than with any other people in their lives, which is why people would use this as a plea—because the betrayal is so much greater and the anger may be so much more than in any other situation?

Claire Ward: I do not for a moment deny that passions will be incredibly high when such personal relationships are under pressure in the circumstances that many Members are describing, but surely the hon. Lady would agree that this House and our legislation should not say that dealing with such matters in such a violent way is acceptable. It is not and cannot be acceptable—and we want to make it perfectly clear in the legislation that it is unacceptable.

Mr. David Winnick (Walsall, North) (Lab): At a time when we are very concerned about so-called "honour killings", which in no way involve honour, is it not very important that this House should send out a perfectly clear message, as my hon. Friend has said, that sexual infidelity can never be an excuse—no matter what the links in a marriage or partnership, as described by the hon. Member for St. Albans (Anne Main)—for what is, after all, murder?

Claire Ward: I certainly agree with my hon. Friend. Of course we do not believe that fidelity, however desirable, is appropriately or effectively championed by treating the victims of infidelity, who go on to kill their unfaithful partner, more leniently. That is essentially the issue.

Jeremy Wright (Rugby and Kenilworth) (Con) *rose—*

Claire Ward: I shall give way for the very last time, as I need to make some progress.

Jeremy Wright: I am grateful. May I bring the Minister back to the wording of the Bill? Surely the difficulty here is not that we are asking for new law that would make sexual infidelity of itself and solely a qualifying trigger in this context; rather, the problem is that the Bill provides that a thing done or said that constitutes sexual infidelity is to be disregarded. The Minister would be right if the Bill set this out as solely sufficient for a qualifying trigger, but it does not; surely what is unrealistic is, as my hon. and learned Friend the Member for Beaconsfield (Mr. Grieve) said, that the jury is being invited to take no notice at all of something that must count as relevant circumstances.

Claire Ward: We need to look at the reality and at what we believe is acceptable. I have to say again that it cannot be acceptable for a man, for example, who finds his wife in a state with her lover and decides to kill her to use the fact of her sexual infidelity as a partial defence. That is not an acceptable way for our legislation to proceed.

Several hon. Members *rose—*

Claire Ward: I want to make some progress and deal with a couple of other issues that have been raised in the debate.

The core argument against this provision, as put forward in the other place, centred on the notion that the Government were not prepared to trust the common sense of the jury. I believe that that is essentially the argument put by the hon. and learned Member for Beaconsfield. That argument is simply misplaced. The provision does not reflect a lack of trust in the jury; what it does reflect is the Government's determination to ensure that the law in this matter keeps pace with the times. In this day and age, it should not be possible for any person, regardless of gender or sexuality, to stand up in court and blame their partner—let us not forget that it is the partner that they themselves have killed—for having brought on their own death by having had an affair.

Mr. Grieve: Will the hon. Lady give way?

Claire Ward: I am going to make some progress; I will come back to the hon. and learned Gentleman.

In modernising the law in this matter, we have purposely set a very high threshold for the circumstances in which killing in anger could ever be treated as manslaughter rather than murder. The words and conduct limb of the partial defence is the main plank for achieving this, but we also believe that in relation to sexual infidelity, it is important to set out the position precisely and uncompromisingly—namely that sexual infidelity is not the kind of thing done that is ever sufficient on its own to found a successful plea of loss of control so as to reduce the verdict from murder to manslaughter.

I want to express one or two concerns about the amendment in lieu proposed by the hon. Member for Cambridge (David Howarth). There may not be sufficient time at the end of the debate—I hope there will be—so I will say a few words about it now. I think I should be grateful to the hon. Gentleman for an amendment in which I believe he is trying to find an alternative form of words to achieve the Government's purposes in clause 45. However, the way in which the amendment is drafted is unacceptable, for two reasons. First, the amendment restricts the possible motives to three: punishment, sexual jealousy, or sexual envy. Therefore, in cases where sexual infidelity is involved, if the defendant argued that the action he or she took was due not to one of those motives, but to betrayal, breach of honour, or outrage to morality or decency, they could rely on the partial defence. Therefore, if the intention behind the hon. Gentleman's amendment is what I would hope it to be, it has a loophole.

Secondly, the terms of the amendment are drafted too widely: punishing a person for any act perceived as sexual infidelity would not qualify for the partial defence. The Government's amendment would ensure that a partial defence could be used, for example, in the extremely grave circumstances in which a woman killed her husband after she came home and found him raping her child. However, under the hon. Gentleman's amendment, if the act was perceived as sexual infidelity, even though that might not have been the main consideration in the loss of control, its existence would exclude reliance on the partial defence.

David Howarth: Under my amendment, all such issues would be for the jury to decide. I find it difficult to believe that the jury would find in the direction that the Minister suggests.

Claire Ward: The hon. Gentleman would therefore leave in some doubt whether there were circumstances in which sexual infidelity would be acceptable as a defence for murder.

David Howarth: The Minister cannot have it both ways. First she says that my amendment catches more cases of sexual infidelity, and now she claims that it catches too few. I wish the Government would make up their mind.

Claire Ward: That is not what I am saying. There are circumstances—the prime example is of a wife seeing her husband having sex with their child or a stepchild—in which sexual infidelity has taken place, but that would not be the primary issue on which the defence would, or could, rely under our legislation. They would rely on the extremely grave set of circumstances of the abuse of that child.

David Howarth: But that is the whole point of the words,

> "where D acted principally out of".

The Minister's example does not work.

Claire Ward: The example does work, because the hon. Gentleman's amendment would still allow sexual infidelity to be used as a partial defence. *[Interruption.]* Having looked at the matter carefully, I am afraid that that is the case. Under the amendment as drafted, the moment that a person perceived that sexual infidelity had taken place—as they would if they saw their husband have sex with their child—they would rely on that defence. That would not be an acceptable defence, but there would be an acceptable defence on the grounds of those extremely grave circumstances of sex with a child.

Miss Widdecombe: I thank the hon. Lady for generously giving way to me a second time.

I doubt that I am the only Member who is getting very confused. The hon. Lady appears to be saying that sexual infidelity can never be a reason for pleading provocation to murder. We all accept that, but that is also the case with all the other reasons why people might plead provocation. The fact that somebody comes home drunk seven days a week is not a good enough reason to kill them, but we know that sometimes that can happen. What is unique about sexual infidelity that it must be removed from the almost endless list of circumstances in which somebody might be provoked?

7.15 pm

Claire Ward: The circumstances are quite different. Perhaps the right hon. Lady is suggesting that when somebody sees their husband or wife having an affair, that would be a partial defence for committing extreme violence—killing somebody. The right hon. Lady is clearly not in a position to be convinced, but the Government are clear that that cannot be an acceptable partial defence. Although many juries might disagree, there have been examples in the past in which a court has considered that sexual infidelity was a sufficient provocation to allow murder to be reduced to manslaughter. That is unacceptable.

I have been on my feet for nearly half an hour, and I want to ensure that hon. Members have an opportunity to speak in the debate. If the right hon. Lady has more to say, she will be able to do so if I finish my speech quickly. I hope that the hon. Member for Cambridge will see the flaws in his amendment, in relation to restricting and disregarding sexual infidelity as a partial defence. However, I look forward to listening to his argument for his amendment.

Mr. Deputy Speaker: Order. The hon. Lady will have to wait a little longer, because I call Mr. Dominic Grieve.

Mr. Grieve: Thank you, Mr. Deputy Speaker.

The first problem is that this is the first opportunity that we have had to consider the matter on the Floor of the House. It is a scandal that our procedures are so rotten, hopeless and archaic that, despite the Government's so-called modernisation, we were deprived of giving the matter any scrutiny before it went to the other place. From that, in my judgment, stems a great deal of the difficulty that we are experiencing.

The second problem is that the Minister's arguments this evening are utterly incoherent. Having practised in the courts, I am the first to accept that the vast majority of the partial defences advanced to the wicked act of killing another human being are largely untenable. Every day of the week in our courts, those arguments are trotted out and correctly rejected by juries. I have never been left in any doubt that juries are able to make up their own minds as to what reasonably constitutes the partial defence that may reduce murder to manslaughter on the grounds of provocation, and they have to do it all the time.

For reasons that I find most peculiar, the Government have decided that thousands of years of human history and experience should be jettisoned for a piece of political correctness and proclamation: a declaratory statement that sexual infidelity can never justify violent behaviour. The Minister decided to pick some examples, but in doing so she started to undermine her case very quickly. Most reasonable people might have no difficulty concluding that the fact that one's partner is sexually unfaithful would not in itself constitute a ground on which anybody should raise a finger against them. However, human nature, and the nature of sexual relationships, shows that, unfortunately, that happens very frequently. Juries have to apply their mind to that, and in my experience they will tend very quickly to put things in different categories. They will take account of the circumstances in order to establish the extent to which a person has been deceived, the extent to which a person has been treated badly, or the extent to which general tenets relating to the reasonable humane behaviour that we owe each other have been violated.

The Minister said that if someone came home and found his or her partner was being sexually unfaithful with a child, that would not matter. What about the circumstances in which someone came home and found that his or her partner was being sexually unfaithful with a sibling, or a parent? Those things could happen, but they would not constitute a breach of the criminal law, unlike the Minister's example involving a child. I suggest to the Minister that all those examples are of a kind that might lead a jury, particularly if there are other circumstances that merit consideration, to —*[Interruption.]* The Minister says that that would be incest, but if a sibling were involved and both parties were adults, there would be no breach of the criminal law.

I have no idea whether the Minister has brothers or sisters, but it seems to me that if the Minister turned up and found that the person with whom she was currently having a sexual relationship—her partner—was having a sexual relationship with a close relative, a court would be entitled to take that factor into account. In such circumstances, it would be an aggravating feature because of the breach of trust. *[Interruption.]* I am sorry if the Minister does not understand what I am saying, but I think that I have made myself fairly clear. *[Interruption.]* Incest would be a different issue altogether. *[Interruption.]* The trouble is that the Minister did not listen to what I said. I was referring to circumstances in which someone is not only sexually unfaithful to his or her partner but sexually unfaithful within the context of that partner's wider family, including close relatives. That can happen without any breach of the criminal law. *[Interruption.]* I fear that if the Minister has not understood that by now, even an attempt by me to explain it behind the Speaker's Chair will probably be unsuccessful.

Mr. Deputy Speaker: Order. I am sorry to interrupt the hon. and learned Gentleman, but I feel that I ought to intervene on behalf of the Official Reporters. The introduction of matters by Members from a sedentary position may make it much more difficult for them to produce a reliable account of our proceedings.

Mr. Grieve: The Minister said, from a sedentary position, that I was not referring to the defendant. Of course I was referring to the defendant. The defendant is the person who has put the defence forward, and if the Minister has not understood that, it is beyond my comprehension.

Let me move on. The point at issue is this: why should the jury be deprived of the opportunity to take that factor into account? All I can say to the Minister is

[Mr. Grieve]

that it seems to me that the Government's argument is entirely incoherent. They wish to issue a statement, but I think that in doing so they risk grave injustice in a very small minority of cases.

The second issue that the Minister has not been able to address properly is how a judge will direct a jury in cases in which sexual infidelity is one component of the story, but other components are also involved. How, logically, will juries be able to disregard the sexual infidelity component? It beggars belief that the Minister thinks that that will be easy.

When I intervened on the Minister, I gave an example which I think is worth repeating. One of the good things that the Government have done in the Bill is to enable people who have been battered and abused for many years to advance the partial defence, even in circumstances in which currently they have been prevented from doing so because they did not act in the immediacy of the violence meted out to them. I welcome that—I think it is an important development—but, as I said to the Minister, there will be cases in which the final trigger is the discovery of sexual infidelity in that context. It is beyond my understanding how a jury will be properly directed to put that issue out of their minds, but will be allowed to consider the other issues.

Mr. Hogg: What my hon. and learned Friend has said is, in fact, the considered view of the Law Commission, which eventually decided not to impose the formulae advocated by the Minister, but to leave it to the good sense of the judge to determine what could properly be left to the jury.

Mr. Grieve: I am grateful to my right hon. and learned Friend. Listening to the Minister, I began to think that I must have completely misread the Law Commission's report—yet that is what she told us, and I must tell her that that does not raise my level of confidence that she actually knows what she is talking about.

Claire Ward: Perhaps I can enlighten the hon. and learned Gentleman. Section 3.144 of the Law Commission's report, on page 65, states:

> "Under our approach provocation should not be left to the jury in such a case because we do not see how any reasonable jury, properly directed, could conclude there had been gross provocation or that a person of ordinary tolerance and self-restraint might have acted in the same way as the defendant."

Perhaps the hon. and learned Gentleman would like to look at the report in a little more detail.

Mr. Grieve: It is the Minister who is being selective. If she turns the page, she will see the precise exceptions—in sections 3.146 to 3.150—which appear to me to undermine everything that she has said. Section 3.150 states:

> "Our approach has been to seek to set out broad principles, to rely on the judge to exercise a judgement whether a reasonable jury could regard the case as falling within those principles and then to rely on the jury to exercise its good sense and fairness in applying them."

Further up the page, the report provides the precise examples that I cited to the Minister.

Let me return to a point that I made earlier. These are the Law Commission's original proposals. Since then, the Government have cherry-picked those proposals. I understand why they have done so, but, as the Law Commission has made plain, the coherence of its proposals has been entirely undermined by their action. That constitutes a major problem in the way in which the Government have approached the legislation. I think I am correct in saying that for those reasons the Law Commission has indicated to the Government—and the Minister has not answered my questions since then during the passage of the Bill—that it believes that the decision should be left to the jury.

Mr. Winnick: Even if the hon. and learned Gentleman does not accept the Government's view, there are pretty good arguments on both sides, but given the violence that is perpetrated against women and given that far more women than men are murdered as a result of affairs and sexual infidelity, would it not be right—I speak as a layman, not a lawyer—for the House to convey the message that sexual infidelity must not lead to a manslaughter charge, because it constitutes outright murder? After all, we convey messages on all kinds of issues. That would strengthen the opinion held by so many of us that women should be protected against violence and, obviously, should be protected first and foremost against being murdered.

Mr. Deputy Speaker: Order. I realise that the hon. Gentleman has some knowledge of these matters to contribute to the debate, but that was a very long intervention and we have a limited amount of time left.

Mr. Grieve: I am grateful to the hon. Member for Walsall, North (Mr. Winnick), but I wish to bring my speech to a close.

I certainly do not wish to see circumstances in which the House provides an excuse for men to kill women simply because they perceive that the women have been unfaithful to them—or, for that matter, vice versa: I do not want to see women killing men. On that I am sure we can all agree. That, however, does not justify the remarkable step that the Government will take if they decide that this is one of the components that can be entirely disregarded by a jury when it comes to consider the plea of provocation and the partial defence. I simply do not understand the logic.

History suggests—certainly, the cases that I have seen suggest—that although on occasion the defence may be advanced as a mere cover for the violence of one party to another, sexual infidelity is sometimes an important and relevant component of the cocktail of events that combine to make a reasonable person snap. For those reasons, I think it is very dangerous for this House to deprive juries of the opportunity to use their good sense to evaluate that evidence, but I am afraid that that is what the Government have chosen to try to do, and I do not understand the rationale behind that. I am very wary of legislating in a symbolic fashion. Juries are entitled to consider these points and, in my experience, if we allow them to do so, they will come up with the right answers. For those reasons, the Lords amendment deserves to be supported.

7.30 pm

David Howarth: First, I agree with what the hon. and learned Member for Beaconsfield (Mr. Grieve) said about this being the first time that the Bill's murder provisions have been considered on the Floor of the

House. It is extraordinary that the business was arranged in such a way that we could not discuss these and many other important issues about the law of murder.

I also associate myself with the hon. and learned Gentleman's remarks on what has happened in respect of the Law Commission. It was given a very narrow remit in the first place, in that it was not allowed to consider the question of a mandatory life sentence for murder; it then produced the best possible report it could in the circumstances—even though it might not have been what it wanted to do had it been left to its own devices—and then the Government cherry-picked even that. I must say that it is hardly convincing for Members on either side of the debate to cite what the Law Commission said in its reports, as I do not think they reflect in any way what it thinks.

There are three different kinds of reason on offer in this House and the other place in favour of dropping the sexual infidelity provision the Government originally proposed—clause 45(6)(c). I want to make it clear from the start that I do not agree with the major reason given today, which was implicit in what the Lords said, which is that somehow it is all right for men to use sexual infidelity as an excuse for murder. That is unacceptable. However, two other reasons were on offer, and I shall need to talk about them as well.

Some Members have rightly said that it is a matter of fact that there are cases when men especially—although this can happen the other way around—kill in a rage about sexual infidelity. The issue is not whether that is a fact, but whether it is an excuse; it is a question of value, not of fact. On the question of value, I am entirely with the Government. I do not agree that that is a proper reason to offer in defence against a charge of murder, especially given that a charge of murder is one where there is a requisite intention to kill. The defendant is therefore saying, "Yes, I did have that intent. I had all the requisite intention to murder, so it was not that I did not know what I was doing. I did know what I was doing, but the action arose out of these circumstances." That is an unacceptable excuse.

I have slightly more sympathy with the second reason raised both here and in the other place, which has to do with the jury. I think the jury does have a place in these cases. I do not think the Government have excluded the jury in the current version of the clause in question either, because they do not say that the judge shall tell the jury how to decide any case where there is sexual infidelity. They simply say that the sexual infidelity is to be disregarded. To whom is that clause addressed? The Government are not entirely clear about that.

Mr. Hogg: Are the Government not saying that the judge must direct the jury that it must disregard questions of sexual infidelity?

David Howarth: Precisely, but there is still the judge saying those words to the jury, and it is for the jury to decide what they mean in a particular case. Therefore, even the Government have not succeeded in taking the case entirely away from the jury. What does "disregard" mean? It is for the jury to make that assessment.

Mr. Grieve: There is a point that I should perhaps have made. Ironically, I actually think the impact of these proposals on juries will probably be minimal. I think it will be very easy for a jury to disregard a judge's direction in this regard if that jury happens to disagree with it, because that direction will usually be merged with other issues that fall to be considered, and it will therefore be impossible to disentangle how the jury arrived at its decision.

David Howarth: One of the most important aspects of the jury system is that the jury gives no reasons, so we never know the answer to such questions.

I agree with the Government that there is no reason in principle why the legislature should not set the criminal law. It is for Parliament to say what the law should be, and Parliament is perfectly entitled to say that certain excuses should not count. That in itself is not an argument against the Government's position.

Members seem to have missed the point that this part of the Bill already includes another substantive restriction on what can count as a justifiable lack of control. It is contained in clause 44(4), which says that the loss of control defence does not apply where the defendant

> "acted in a considered desire for revenge."

Revenge is therefore also excluded in the same way. Perhaps a jury will think otherwise, and consider that there should have been such a defence in the circumstances before it. No one has yet complained that that provision should be removed simply because it interferes with the rights of the jury. I am not entirely convinced by the jury point, therefore. The Government are entitled to propose changes in the substantive law, as long as they admit that in the end these questions of fact will, even in their own version, be decided by a jury.

The third reason was more persuasive. It has been alluded to here, but it was discussed at great length in the other place. It takes us back to the evidence the Law Commission gave to the Public Bill Committee. It is the argument that the drafting of clause 45(6)(c) was defective—or, to borrow a word used by one commissioner, "bizarre". That clause said:

> "In determining whether a loss of self control had a qualifying trigger…the fact that a thing done or said constituted sexual infidelity is to be disregarded."

There is an enormous number of things wrong with that formulation. We do not have time to go through them all, but the first thing that is not at all clear is whether it does the job the Government wants it to. What is to be disregarded? Is it sexual infidelity? No, the clause does not actually say that. It is merely the fact that something

> "done or said constituted sexual infidelity".

In other words, the infidelity itself is not to be disregarded, but merely the mental process going through the head of somebody else, who comes to the conclusion that something constitutes sexual infidelity—that is what is to be disregarded. It is not clear that that is what the Government wanted. Secondly, how can a thing that is said constitute sexual infidelity? What words constitute sexual infidelity? I cannot see how that works.

Thirdly, what counts as sexual infidelity anyway? The Minister's examples show the problem is a difficult one to resolve. She put forward lots of examples of what she claimed was sexual infidelity, although it is not clear whether a jury would agree. What about unmarried couples? What about situations in which the couple disagree about the degree of fidelity that is expected in

[David Howarth]

their relationship? This takes us back to the point the law commissioners made, which is that presumably what the Government meant was something like sexual jealousy or envy, rather than infidelity as such. There are other ways of drafting the clause that get out of at least some of these problems. I do not say that the amendment we offer solves all the problems, but I think it solves at least some of them.

On Report, had we been allowed to debate it, we would have offered an even more comprehensive solution that would have separated out the various problems in this entirely unsatisfactory area of the law. One area in which the Bill fails is that it does not distinguish between loss of control through anger and cases of long-term violence where people—especially women—fear repetition of the violence. Those are entirely different cases. The second sort of case is not really about loss of control at all, and should be subject to a separate defence. None of our proposals were discussed, and it is not possible at this stage to rewrite the whole of the murder provisions—although if that were possible, it should have been done.

It is possible, however, to offer a cut down version of what we offered on Report, by way of amendment (a). That amendment deliberately ties the issue of sexual infidelity to a specific part of the trigger provisions, namely that the circumstances should be

"of an extremely grave character".

It ties it down to how the Bill works, rather than being at large which is how the current drafting works. It avoids the "constitute" problem by concentrating not on the thought processes of the court, but on the actions and intentions, or reasons for action, of the defendant. We hope that it adds more comprehensibility to the sexual infidelity language by referring to "sexual jealousy", which is slightly clearer.

The Minister said that what was wrong with our amendment was that there were circumstances in which the defendant might "perceive"—she used the language of the amendment—that what was going on was sexual infidelity whereas, in reality, it was not, or someone else might think that it was not. That ignores, first, that this is a jury question in the end—that cannot be got away from; this is criminal law, so the jury decides this kind of issue. It also ignores the fact that the amendment starts with the words

"where D acted principally out of a desire".

The key phrase is "acted principally". The jury decides whether someone acted principally out of the various matters referred to in the amendment. The Minister's problem with the subjective nature of "perceived" does not arise unless the jury thinks that that is the principal reason. No reasonable jury could possible believe that in the circumstances she put forward the principal reason for the action of the killer was sexual infidelity—even the perception of it.

The objections that the Minister raised do not work. I simply add that whatever the problems with our drafting, they are as nothing compared with the problems in the Government's drafting. Faced with a choice between something slightly imperfect and something plainly bizarre, we should choose the slightly imperfect. Thus, if circumstances arise in which it is possible to vote on amendment (a), I request that we do so.

Mr. Hogg: I think that my right hon. and hon. Friends wish to contribute to the debate, as perhaps do some Labour Members, so I shall be brief and compress my remarks to something shorter than I originally had in mind.

The law of provocation has always been one of the most difficult aspects of the law of homicide, and over the years it has given rise to a great deal of judicial comment and controversy. Broadly speaking, the recommendations of the Law Commission, which are encompassed in this Bill, are to be welcomed, but there is one exception: the proposal to exclude from the triggering event the conduct entitled "sexual infidelity". I am very much with my hon. and learned Friend the Member for Beaconsfield (Mr. Grieve), who speaks from the Front Bench, in believing that this is essentially a matter for a jury.

Perhaps the House will forgive me if I recount a case that I dealt with some three or four years ago—I was acting for the defendant, who was charged with murder. He was impotent, and he often tried to have sexual relations with his wife and failed because of his impotence. The wife then developed a long-standing sexual relationship with a lover, and that was known to my client. There was then an occasion when my client tried to have sexual intercourse with his wife, but because he was impotent he could not achieve that, at which point the wife began to abuse him, laugh at him and say that he was not a patch on the lover. My client lost self-control and strangled his wife.

Within that cocktail of events, the sexual infidelity of the wife played a prominent part, but if we are to accept the Government's position, that sexual infidelity would have to be disregarded. I see absolutely no justice in providing in statute law that what was clearly, on the face of it, a relevant fact should be disregarded. My client was convicted of murder—that is to say, the jury in that case determined that the conduct did not amount to provocation within the meaning of the law, and he was convicted of murder. I was very unhappy about that verdict, but that is a wholly different matter. What the case shows is that a jury is perfectly capable of addressing this issue and taking a broad view of what is just.

The Minister has said that her views were in accord with those of the Law Commission, but that is not so. What is correct is that the Law Commission said in its report that male possessiveness and jealousy should not, of themselves, constitute good cause. It relied, perfectly understandably, on the judgment of Lord Hoffmann in the very important case of Smith (Morgan), when he commented on the Australian case of Stingel. If the Minister were to read further on in the report, to the following page—this is the point to which my hon. and learned Friend the Member for Beaconsfield was drawing attention—she would see that it makes it clear that where additional material comes into play—for example, taunting somebody about their impotence—it is right that consideration of that combination of events should be left to the jury.

7.45 pm

That is why the Law Commission, in its considered view, held against the Minister's position of excluding a particular category of event from the triggering events. If she would be good enough—I am sure she will—to examine paragraph 3.168 on page 70, where its detailed recommendations for inclusion in statute law are set out, she will not find a recommendation that sexual infidelity should be excluded from the triggering categories. She will not find it, because that was not the Law Commission's view. Its view—it happens to be my view, too—is that these are matters best left to the jury. Very often, the jury will decide that the conduct does not amount to provocation, as in the case I told this House about, but sometimes it will decide that it does. If we exclude that fact from the jury's ability to take account of the matter, we bring about a profound injustice. I believe that the views expressed in the other place are wholly right and that this provision has been added—probably at the suggestion of the Solicitor-General, who is no longer in her place—out of a desire to be politically right. I do not think it just and this House should not go along with it.

Miss Widdecombe: What I have been totally unconvinced about tonight is why this particular motivation and provocation should uniquely be removed from a jury's discretion in deciding whether or not it was, in the circumstances rehearsed, an understandable ground for somebody losing control. The Minister has said that sexual infidelity cannot be, on its own, a cause for killing, and we would all agree with that. However, the whole point about loss of control is that the person does not make a rational assessment at the time of what he is doing and does not necessarily intend to kill, but is provoked into making an attack. On that basis, just about every single reason for losing control would have to be taken away from a jury's discretion. The Minister has not shown that there is some factor in this one cause of loss of control that justifies its uniquely being taken away from a jury's discretion.

It is no reason to kill somebody if they get drunk, but let us consider a situation where a man comes home night after night as drunk as an owl. If his wife says to him "Don't do it again" and then moves towards him, pushes him in her fury at his being drunk as an owl and he falls over, hits his head and dies, she will say, "Of course it was not a good enough reason, but I lost control." Why somebody—it could be a man or a woman; it does not have only to be a man—coming home and finding his spouse of x years in bed with somebody else shall not trigger a similar loss of control is beyond me.

The fact is that one cannot specify what is and is not a reasonable ground for loss of control for the simple reason that nothing ever seems reasonable when one looks at it from the point of view of somebody who is totally in control and rational. It is for a jury to decide the following question: was the provocation in this incident—whatever that incident may be—sufficient to cause that person, on the spur of that moment, to kill in that way? That is entirely a matter for the jury to decide. The hon. Lady has not made any case tonight for the argument that, quite uniquely, the one circumstance in which the jury cannot make that assessment should be sexual infidelity.

Mr. Straw: I was racking my brains on this, and got a bit of approval from those on the Liberal Democrat Benches who are better versed on this than I am. I think that the right hon. Lady would find that in such circumstances—if, in her delightful phrase, a man was as drunk as an owl and the woman involved just pushed him and he fell, hit his head and died—since we can infer from what she said that there was no intention to commit either murder or grievous bodily harm, no charge of murder would lie, still less be followed by conviction.

Miss Widdecombe: That is the whole point and I am sorry that the Lord Chancellor somehow cannot understand it. The whole point is that an intention to kill is not formed.

Dr. William McCrea (South Antrim) (DUP): Leaving aside the example of drunkenness that has been given, as we are talking about sexual infidelity, is it not true that we are not talking about somebody who intended to kill or who was out for revenge? We are talking about someone who snapped and lost control, and a jury should therefore have all the facts.

Miss Widdecombe: The hon. Gentleman sums it up exactly. Somebody snaps and loses control, and whether or not a circumstance is sufficient to cause that snap will be decided by the jury in every circumstance, no matter how trivial, other than sexual infidelity. I do not hear the case made for an exception for that single category of provocation.

Mr. Straw: I understand the right hon. Lady's concerns and this is an inherently difficult issue, but let me say that it is nothing to do with political correctness. To say that is to trivialise this difficult issue. She chose the example—I did not—and in that case no charge of murder would lie and, if there were a charge and that was the totality of the evidence, it would not go to the jury.

Miss Widdecombe: So, if a woman taunts her husband about her sexual activity with a third party and he, in his fury, moves towards her and shoves her hard and she falls over, hits her head and dies, that is not a provocation because, uniquely, the jury will be told that it cannot take sexual infidelity into account. It is nonsense. I shall not go on repeating the same point, because it has repeatedly failed to be answered and I am aware that we would quite like to vote on the amendment.

Claire Ward: The hon. and learned Member for Beaconsfield (Mr. Grieve) has suggested that this is essentially about the Government trying to remove a responsibility from juries simply because juries would find it too difficult to deal with and because it is too difficult for judges to direct juries. I disagree that judges will not be able to direct juries. Judges are perfectly used to directing juries about what they can and cannot consider—they do it every day in court. It is not beyond the ability of judges to tell juries that sexual infidelity cannot be a qualifying trigger for a loss of self-control. If something else is relied on as the qualifying trigger, any sexual infidelity that forms part of the background can be considered but it cannot be the trigger. That is essentially what the legislation seeks to do—to stop the act of sexual infidelity being the trigger that enables people to say that these are extremely serious and grave circumstances.

Mr. Grieve: My reading of clause 45(6)(c) does not match the comment that the Minister has just made about being able to consider it in the background as

[Mr. Grieve]

long as there are other factors. There is a clear contradiction between the wording of subsection (6)(c) and her intention. That is why I urge her to be so cautious about the clause, which I think has been very poorly thought through.

Claire Ward: The partial defence for loss of control exists on the basis that there will be certain sets of triggers—things that take place that cause the loss of control. Sexual infidelity is being disregarded as an acceptable trigger that can play into the loss of self-control. We believe that it is acceptable to do that precisely because we do not think that sexual infidelity, in itself, should be considered an acceptable reason for somebody to have killed their partner, husband, wife or whomever the circumstances might involve. The background information might well form part of the case, but sexual infidelity will not be the trigger for allowing the defence of that partial loss of control.

Mr. Grieve: I am grateful to the Minister for giving way. At the risk of taking up more of her time, I point out that she knows that clause 44(1) already does not apply if

"in doing or being a party to the killing"

somebody

"acted in a considered desire for revenge."

That is a very important clause that I entirely agree with, but the fact that it is there means that the examples she has been giving about killing on the ground of sexual infidelity based on a feeling of vengeance could not come into the picture anyway. That is why it is such nonsense to include this provision, and why it will be impossible for a judge and jury to disentangle the facts when they are all mixed up together.

Claire Ward: I completely disagree with the hon. and learned Gentleman. The judge and indeed juries are quite capable of considering the information that is available to them as background information. We are saying that it is completely unacceptable that sexual infidelity in itself should be used as the trigger to allow the defence of loss of self-control to come into play. That is essentially what this is about, and I am quite surprised that the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) feels that it is appropriate—indeed, this featured in the case he discussed—for somebody who has committed sexual infidelity to be told by their killer, or for it to be determined in a court case by their killer, that that is essentially just cause. "You have committed sexual infidelity and that is just cause for me to commit murder," is not an acceptable claim.

Mr. Hogg: That is not what I was saying. I was saying that when there is a cocktail of events—in the case I cited, they included the sexual infidelity that formed the background, together with abuse and taunting of the defendant—the combination is capable of amounting to an appropriate trigger. Incidentally, that is also the view of the Law Commission, and when it took that question out to sample—I think the Minister will find it on page 66 of the report, but I could be wrong—that was also the view of the focus groups to which the question was addressed.

8 pm

Claire Ward: The right hon. and learned Gentleman and I are clearly not going to agree on the issue, and unfortunately the right hon. Member for Maidstone and The Weald (Miss Widdecombe) and I are not going to agree either—whether it is on sets of circumstances, sexual infidelity or drunken owls.

In the remaining time, I want to deal with some of the other points. The hon. Member for Cambridge referred to the issue of whether sexual infidelity is a thing done, a thing said or both. We have used the words "done" or "said" in the provision, to the effect that the fact that a thing done or said constituted sexual infidelity is to be disregarded. By doing so, we are making it clear that the subsection relates back to the earlier subsection, which refers to

"things done or said...which...constituted circumstances of an extremely grave character, and caused"—

the defendant—

"to have a justifiable sense of being seriously wronged."

Although it might be difficult to understand how "things said" would of themselves amount to sexual infidelity—I understand the point that the hon. Member for Cambridge is making—if we were to remove that term we could leave a loophole that might be exploited in the future. For clarity, and to ensure that the provision is seamless, the provision refers to the words in the original subsection—"things said or done."

David Howarth: That is precisely why it is important that if there is to be a subsection 6(c), it refers to 4(a), as my amendment does, or to 4(b) rather than to the first words in subsection (4) because those words cannot possibly apply in terms to sexual infidelity.

Claire Ward: That is why we are ensuring that there is seamlessness between the subsections with the words "things said or done". That will ensure that sexual infidelity cannot be relied on in those circumstances.

The hon. and learned Member for Beaconsfield seemed to suggest that there is no support for the amendment, beyond some form of political correctness. I have to tell him that is quite contrary to the reality of the situation. We have received more than 40 representations, from individuals and groups, asking the Government to seek to overturn the vote taken in the other place. Those organisations are significant and varied. They include the Women's National Commission, Amnesty International, the Eaves group, Justice for Women, violence intervention programmes and a range of other rape crisis organisations and other groups that support women who have been raped.

All the representations we have received have stated clearly that in the killing of a wife or girlfriend by a partner, actual or suspected infidelity has often been used in the past to reduce murder to manslaughter. The law should be clear that that is no longer acceptable. The penalty for infidelity should not be death, and partners who believe it is their right to kill should always go on trial for murder. In this instance, our concern is that men who kill women should not be able to plead the traditional argument that she was unfaithful.

David Howarth *claimed to move the closure (Standing Order No. 36).*

Question put forthwith, That the Question be now put.

Question agreed to.

Question put accordingly, That this House disagrees with Lords amendment 55.

The House divided: Ayes 299, Noes 145.

Division No. 242] **[8.3 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael
(Worcester)
Foster, Michael Jabez
(Hastings and Rye)
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hancock, Mr. Mike
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai
Healey, rh John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, rh Mr. Pat
McFall, rh John
McGuire, rh Mrs. Anne
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C.
(Sheffield, Hillsborough)
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Southworth, Helen
Spellar, rh Mr. John
Spink, Bob
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard

Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, David
Wright, Dr. Tony
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Ayes:
Lyn Brown and
Mr. John Heppell

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baldry, Tony
Bellingham, Mr. Henry
Benyon, Mr. Richard
Blunt, Mr. Crispin
Bone, Mr. Peter
Bottomley, Peter
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clappison, Mr. James
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, Mr. Dai
Davies, David T.C.
(Monmouth)
Davies, Philip
Davis, rh David
Djanogly, Mr. Jonathan
Duddridge, James
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Field, Mr. Mark
Fraser, Christopher
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Gray, Mr. James
Green, Damian
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh
Mr. David
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howard, rh Mr. Michael
Howarth, Mr. Gerald
Howell, John
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Kawczynski, Daniel
Key, Robert
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Moss, Mr. Malcolm
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Robertson, Hugh
Robertson, Mr. Laurence
Rosindell, Andrew
Selous, Andrew
Simmonds, Mark
Simpson, Mr. Keith
Smith, Chloe
Soames, Mr. Nicholas
Spicer, Sir Michael
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Mr. Ian
Taylor, Dr. Richard
Timpson, Mr. Edward
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Sir Peter
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Williams, Hywel
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Mr. John Baron and
Mr. Philip Dunne

Question accordingly agreed to.

Lords amendment 55 disagreed to.

Clause 61

HATRED AGAINST PERSONS ON GROUNDS OF SEXUAL ORIENTATION

Claire Ward: I beg to move, That this House disagrees with Lords amendment 59.

Mr. Deputy Speaker (Sir Michael Lord): With this it will be convenient to discuss the following: Lords amendment 119, and Government motion to disagree.

Lords amendment 121, and Government motion to disagree.

Lords amendment 236, and Government motion to disagree.

Lords amendment 239, and Government motion to disagree.

Claire Ward: In inviting the House to reject the Lords amendments, we are seeking to complete unfinished business from the last Session. The House will recall that we introduced offences of inciting hatred on grounds of sexual orientation in the Criminal Justice and Immigration Bill. During its passage, the other place passed an amendment that inserted what is now section 29JA into the Public Order Act 1986. That section contains a so-called freedom of speech saving

"for the avoidance of doubt".

Regrettably, for want of time, we were unable to overturn the Lords amendment, but the Minister of State, Ministry of Justice, my hon. Friend the Member for Liverpool, Garston (Maria Eagle) made it clear that when the opportunity arose, we would return to the issue. To this end, a clause in this Bill sought to repeal section 29JA of the 1986 Act. The House approved that clause by a majority of 152 on Report in March. That was the third occasion on which the House has made it clear, by a substantial margin—202 on 6 May 2008—that there was no need for the freedom of speech saving provision.

The other place has seen fit to strike out the clause, thereby seeking to retain the unnecessary, unwanted and potentially harmful saving provision. We should send a clear message back to the other place that it is ill conceived, ill judged and ill advised. Furthermore, that has been the settled will of the elected House on three occasions to date.

Mr. Edward Leigh (Gainsborough) (Con): Let there be no mistake: people who stir up violence and hatred against homosexuals are completely wrong. But there is nothing in the Waddington amendment that does that. All the Waddington amendment allows is a

"discussion or criticism of sexual conduct or practices or the urging of persons to refrain from or modify such conduct".

Lord Waddington is not trying to stir up hatred. He just wants free speech. If people want to say that Roman Catholicism is wrong, let them. That is free speech, and the House should be very careful when it attacks free speech.

Claire Ward: The House is not attacking free speech. It is clear that people retain their right to freedom of speech. The clause is unnecessary because the threshold of the offence is already set incredibly high. We introduced these new offences in the Criminal Justice and Immigration Act 2008 to protect a group in our society who are at times the victims of bigotry and hatred. We considered carefully how to formulate the offences, recognising the particular sensitivities about offences that impact on freedom of speech. We believe that we have got the balance right without the so-called freedom of expression saving provision. In introducing those new offences to protect victims of that bigotry and hatred, we looked very carefully before we proceeded.

Mr. Grieve: I have listened carefully to the Minister, and the argument that everything is all right is one to which the House must pay considerable attention. She will be aware that only two weeks ago, under existing law, a case in Norwich gave substantial cause for concern. The right of freedom of expression—the right of people to express views that might appear unpalatable and with which one might disagree—is being visited not with the reply, "I disagree with you," but with a visit from the police. That must be a subject of concern for the Minister, and the fact that it has happened only recently, following the case in Lancashire some years ago, suggests that there is still a real problem. Individuals are finding that they cannot express themselves with views that are certainly not about hatred, but about freedom of expression and conscience.

Claire Ward: There is nothing to prevent freedom of expression, and many of the incidents to which the hon. and learned Gentleman refers, as he well knows, fall under the Public Order Act 1986, in which there is a much lower threshold. Therefore, it is not the basis of the offence under discussion, which involves a high threshold and is exactly the reason why the so-called freedom of speech section is not necessary. It is simply unnecessary and has the potential to remove the impact of the offence itself, and we do not wish to see that. If he accepts that bigotry and hatred on the ground of sexual orientation is completely unacceptable, he should see that we will do nothing to water down that offence. The offence already has an incredibly high threshold.

Dr. Evan Harris (Oxford, West and Abingdon) (LD): I am grateful for what the Minister says, and I hope that she will join me in continuing to point to those who raise valid concerns about the Norfolk and Lancashire cases that the problem is the police's treatment of section 5 of the 1986 Act, which contains an "insulting" provision. Will she say anything more about her Department's undertaking to review whether she would accept, in some later legislation now, the amendment that I and my colleagues proposed to remove "insulting" from the offence and raise the threshold in that legislation? It would deal with all the mischief in the examples that other hon. Members have given—rightly in that context, although not in this one.

Claire Ward: I wish to ensure that we deal with the legislation before us. What is before us is an opportunity to make sure that the will of this elected House, which has had an opportunity on three occasions to state that it does not believe that this so-called freedom of expression section is a necessary or wise addition to our legislation. We have got the balance right already.

We looked at existing models in legislation to decide which way we wished to proceed. The first model is used for race hate offences. In the case of racial hatred, the 1986 Act criminalises threatening, abusive or insulting words or behaviour that are intended or likely to stir up racial hatred—a low threshold. In contrast, the second model, provided by the religious hatred offences, sets a much higher threshold. In that case, an offence is committed only when threatening words or behaviour are used with the intention of stirring up hatred. It is not enough that the words or behaviour are abusive, insulting or merely likely to stir up hatred. We have adopted that model for the offences of stirring up hatred on the ground of sexual orientation.

Mr. Gerald Howarth (Aldershot) (Con): The Minister refers to the religious hatred provision, but she will be aware that it contained a further protection, which she has not mentioned. That is what we seek in the legislation before us—the same protection as that which is in the religious hatred provision.

Claire Ward: And the hon. Gentleman will recall that the Government did not approve the extent of the Lords amendment on that occasion, either.

We have set a very high threshold for the offences, which can be prosecuted only with the consent of the Attorney-General. The reason why the so-called freedom of expression section is not required is that the Attorney-General already has a duty under the Human Rights Act 1998 to consider rights in the European convention on human rights. The provision does not need to be in the Bill, and therefore we must question why those Lords who supported the amendment wanted it made to the Bill. Such freedom of expression already exists.

Miss Widdecombe: It is for the avoidance of doubt.

Claire Ward: The right hon. Lady says that it is for the avoidance of doubt, but I am quite sure that in other circumstances, perhaps she, and certainly many of her right hon. and hon. Friends, would say that provisions should not be added to Bills—creating more legislation—simply for the avoidance of doubt. Indeed, I am well aware that they have criticised it when they have believed that it has happened in the past; yet, on this occasion, they think it acceptable to make an amendment that is simply not needed. Even more than that, it has the potential to do harm. It may well result in the offence not being prosecuted, because somebody believes that they can rely on the provision. I hope that that is not the case.

David Taylor (North-West Leicestershire) (Lab/Co-op): It is true that the section would not change the threshold of the offence, but that is not at all the same as saying that it either has no effect or would not be useful. Would it not at the very least provide a signpost to police and prosecutors, saying that they should lay off innocent people who merely discuss or criticise sexual conduct? That is what we see in case after case. That is the purpose of the section and why we should retain it, and later on I shall certainly seek to catch your eye, Mr. Deputy Speaker, to make those points in more detail.

Claire Ward: The legislation before us is not the appropriate place in which to put the police guidance to which my hon. Friend refers. Indeed, legislation is not necessarily the place for it. Guidance may well be the place to put it, and we will seek in due course to look at the guidance. The right hon. Lady said earlier from a sedentary position that the section purports to be for the avoidance of doubt, but in effect it creates doubt where there should be none. In that way, we believe that it is not simply unnecessary, but potentially damaging to the effectiveness of the offence itself.

People with strongly held religious or moral beliefs must of course be free to express their views. *[Interruption.]* The right hon. Lady says that she does not have the right to express her strongly held religious or moral beliefs. I contend that she certainly does, but not where it breaches the level of the offence, which has an incredibly high threshold.

Miss Widdecombe: I probably do have the right, and I regularly use this place to exercise it. But those who do not enjoy parliamentary privilege, and, instead, express the same views on the radio, in letters to their council and in the literature that they give out, find that they do not have that right.

Claire Ward: I am afraid that I do not agree with the right hon. Lady. One does not need parliamentary privilege to express one's views. Freedom of expression is permitted, allowed and encouraged, the difference being when it is intended to incite hatred. There will be people who hold a religious or moral belief and have objections to homosexuality or to certain sexual practices. They are perfectly entitled to hold those opinions, and nothing in the Bill changes that; rather, it ensures that at the point where their words are threatening and their behaviour is intended to stir up hatred, the offence will bite.

Miss Widdecombe: I am grateful to the hon. Lady for her customary grace in giving way. I have said in this House that I do not believe that homosexual couples should adopt children. No police appeared on my doorstep. When a children's author gave exactly the same opinion on a radio programme—under questioning; they did not just volunteer it—the police got involved.

8.30 pm

Claire Ward: The right hon. Lady is not entitled to express her views on matters only because she is a Member of this House and entitled to parliamentary privilege. Many of the incidents to which she refers come under the Public Order Act 1986, and therefore the threshold is considerably lower than in the Bill. The high threshold in the Bill relates only to threatening words and behaviour intended to stir up hatred. People are perfectly entitled to express their views about homosexuality. Some will find those views distasteful, offensive or even insulting, but there is nothing in these offences that prevents that expression of opinion. Those uttering such threatening words or exhibiting such behaviour intended to stir up hatred should not have the cloak of a so-called freedom of expression clause to protect them. Frankly, I am surprised that so many hon. Gentlemen on the Opposition Benches—and indeed the right hon. Lady, who is sitting there on her own—think that people should be entitled to protection where they have used threatening words that are intended to stir up hatred.

Mark Pritchard (The Wrekin) (Con): The public record speaks for itself on my position on protecting and standing up for the rights of homosexuals. What does the Minister think would lead to a vicar, for example, or perhaps an imam in the constituency of the Lord Chancellor, falling foul of the legislation that she has put before the House?

Claire Ward: In order to fall foul of the Bill, the person's words would have to be threatening and their behaviour intended to stir up hatred. If they did intend to stir up hatred, I believe, and the Government believe, that they should be guilty of the offence—that the threshold should have been reached. If the hon. Gentleman does not believe that, he is saying that it is acceptable for people to stir up hatred on the ground of sexual orientation and that that is freedom of speech.

Mark Pritchard: I am grateful to the Minister for giving way; she is being very gracious. In order to have clarity, does she think that the Old Testament or the New Testament, the Koran or the Hadith, or the Torah, for example, would fall foul of this legislation?

Claire Ward: I think that the hon. Gentleman is trying to find out whether I wish to have a religious and philosophical debate on the holy books. As a Roman Catholic, I can make reference to only one book. The reality is that if somebody uses the words that may be contained in a religious book with a clear intention to stir up hatred, they will fall foul of this offence. Someone may simply express a view that they do not agree with homosexuality or with certain sexual practices—they can have freedom of speech and expression—but that is entirely different from taking it to a level where they intend to be threatening and to stir up hatred on the ground of that sexual orientation.

Dr. McCrea: Does the Minister realise that, if the Bill is passed, it will become more and more difficult in this United Kingdom for a preacher to express biblical standards? Someone could be perceived to be stirring up hatred if they were simply quoting the Scriptures and preaching from God's precious word. That is a disgraceful situation.

Claire Ward: I am afraid the hon. Gentleman is not correct. A person would have to intend their words to be threatening and stir up hatred. That would have to be their intention, not the perception. Nothing in the Bill will prevent a preacher or follower of any religion from expressing their views, provided that they are not intending to stir up hatred. That is quite different.

I want to make it absolutely clear that those who hold views different from mine or those of other Members, and who do not believe that homosexuality is acceptable and have objections to certain sexual practices, are entitled to continue to hold and express them. They may not use threatening words and intend to stir up hatred on the ground of sexual orientation, but that is quite different from the reality of what goes on in churches, mosques and other religious places up and down the country. The hon. Gentleman, and indeed many Opposition Members, may well be doing a disservice to many people of strong religious and moral views on such matters who hold different views but do not intend to stir up hatred. It is a really high-level offence.

Mr. Gerald Howarth: Will the Minister give way?

Claire Ward: I am going to proceed, and then the hon. Gentleman will have a better opportunity to express his views.

If we had set the bar for the offence too low or had not afforded sufficient protection for freedom of speech, I am quite sure that the Joint Committee on Human Rights and the Equality and Human Rights Commission would have been the first to say so. Both bodies have carefully examined the offence and separately concluded that there is sufficient protection for freedom of speech without the need for section 29JA of the 1986 Act.

We should send a clear and unequivocal message to the other place. It made a wrong call in the last Session in passing the so-called freedom of expression saving provision. It has made the wrong call again this Session in seeking to block its repeal. On three occasions, this elected House has rejected the need for it, and I invite it to do so again by rejecting the Lords amendment.

Mr. Grieve: We are certainly revisiting an old topic. I rather disagree with the Minister in her view about the behaviour in the other place the last time this matter came up for consideration. On the face of it, whatever the Government may have felt about the matter, they were prepared to accept the Lords amendment on that occasion. One can only conclude that, in their willingness to do so, they made the evaluation that Lord Waddington's amendment was innocuous. In my judgment, that is exactly what it was.

The Minister has studiously avoided debating why the offence in question cannot be successfully prosecuted under Lord Waddington's amendment, because she has no case to make about that. If there were a problem, the Government could at least have allowed the offence to be tested. If it had then turned out that it was causing problems when it got to court, they would have had a greater justification for asking the House to reconsider the matter.

Mr. Leigh: Is it not interesting that the Minister never actually discussed Lord Waddington's amendment? We all agree that it is wrong to threaten or stir up hatred, but Lord Waddington's amendment said simply:

> "For the avoidance of doubt, the discussion or criticism of sexual conduct or practices or the urging of persons to refrain from or modify such conduct or practices shall not be taken of itself to be threatening or intended to stir up hatred."

That is all that we are saying—simply discussing the matter is not threatening behaviour or worse—*[Interruption.]*

Mr. Grieve: I agree entirely with my hon. Friend. I heard from a sedentary position the hon. Member for Oxford, West and Abingdon (Dr. Harris) saying, "Not if it is threatening," but the words "of itself" make it quite plain that if it were threatening language in that context, the freedom of speech defence would not be open to the individual concerned. Therefore, his anxiety is misplaced.

I say this to the hon. Gentleman, seeing as he is participating in this debate: we have in the past worked together on similar issues regarding religious hatred. One comment that he often made then—indeed, I even remember him conceding in the context of this offence—was that such offences, which the House creates, can have a chilling effect on freedom of speech. He may have been the first person to use the words "chilling effect" in the House. I certainly remember them coming first from him.

The fact of the matter is that there is plenty of evidence, unfortunately, in the context of the Public Order Act 1986, that the offence is having a chilling effect. Its interpretation, based upon a form of political correctness handed down by what is perceived to be the line taken by those in authority, is leading to abuse in a number of circumstances by the police who threaten individuals with prosecution unless they desist from expressing perfectly legitimate views. That causes me great concern, but I am glad to say that that has in no case led to prosecution and that in one case it led to the police subsequently providing an apology for their conduct. Nevertheless, we must bear that point in mind, because the Government intend—I do not think the Minister disagrees with this—the offence to be far more serious, although I accept that the test for it may be different, as she said.

Dr. Evan Harris: If I catch Mr. Deputy Speaker's eye, I will respond and show how much the hon. and learned Gentleman and I agree on various points. There has, in fact, been a prosecution along the lines that he hoped there would not be. However, how can the words

> "discussion or criticism of sexual conduct"—

and so on—

> "shall not be taken of itself to be threatening or intended to stir up hatred"

[Dr. Evan Harris]

avoid doubt if what is said in that context is threatening and intends to stir up hatred? It may not be a problem to his forensic mind, but most people out there would see it as totally inconsistent. It is a get-out: as long as a person is threatening and intentionally threatening while discussing sexual conduct, they are okay, but when they discuss other things, they are not.

Mr. Grieve: The way I read the saving clause that Lord Waddington drafted—

Dr. Harris: Only the way you read it.

Mr. Grieve: I must say, it is not only the way I read it, but any sensible person who gives the words their plain English meaning must come to the same conclusion. Clearly, if I make an expression which "of itself" amounts to no more than a reasoned criticism, it cannot be threatening, but it is perfectly plain from Lord Waddington's amendment—indeed, I have not heard the Government challenge this or suggest otherwise—that if the words constituted threats, anyone standing up in court and saying, "Well, I was justified in making the threat because it was just part of a criticism of somebody else's way of life or habits," would not get off the hook. I entirely concur that it would be grossly improper if they did. For those reasons, Lord Waddington's amendment provides considerable comfort to those who happen to have strong views about how people should conduct themselves, and it does nothing to diminish the ability to prosecute this offence.

Claire Ward: On the contrary, this provision gives comfort to those who wish to incite hatred or to be threatening. They will believe that they can do those things if they are given this freedom of expression clause. It is completely unnecessary if they are not threatening or intending to stir up hatred. The hon. and learned Gentleman refers to a range of circumstances that have occurred in the past, but that was not under this legislation. It was under the public order legislation, which is quite different.

8.45 pm

Mr. Grieve: I would be more reassured if the Government were taking the public order legislation problems that have arisen more seriously, but there is no sign that they have tabled amendments to try to deal with that problem. As we know from a recent case, the problem is continuing. Indeed, if I understood the hon. Member for Oxford, West and Abingdon correctly, he knows of an instance in which a prosecution was brought, although it was not completed. For that reason, we should be very wary of legislation that fetters freedom of speech.

The Minister cannot have it both ways. On the one hand, she says, "The legislation's fine; you shouldn't worry about it." Then she suddenly starts saying, "Actually, the saving clause will encourage people to commit this offence, not deter them from doing so." If that is the case, she will have to provide a much better argument than she has done this evening. From what she had to say, it was not apparent how this saving clause would operate to do what she claimed it would. The saving clause, given its plain English meaning, cannot achieve the mischief that the Minister claims. It is noteworthy that when this matter was considered in the other place, it was supported by a large number of lawyers, who would therefore have some understanding of how this clause would be interpreted in the courts.

Mr. Gerald Howarth: In the absence of this protection that my hon. and learned Friend and I both support, is it not the case that various examples have been cited by my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) and, I might add, Sir Iqbal Sacranie and the Bishop of Chester, both of whose collars were felt by the police? The public feel intimidated, and there is nothing in the Government's line that would remove that sense of intimidation. The Government are resisting the one, modest amendment that would reassure the public. We do not need that reassurance because we are Members of Parliament and we can fight for ourselves, but many of my constituents feel very threatened that if they put a foot out of line, they will lose their jobs.

Mr. Grieve: I agree with my hon. Friend. The other factor that is worth bearing in mind is that as this debate has gone on—the Minister cannot escape this—more people have come forward to express their concerns about this proposal. They include, in many cases, people who may have different sexual orientations from the majority, but think that the provision is entirely unnecessary to provide them with protection. They have also expressed the view that the saving clause introduced by Lord Waddington is a modest and moderate way to provide reassurance that freedom of expression will be maintained. The Government do not help the cause of reducing bigotry and improper or violent behaviour against people of a different orientation by fettering freedom of expression. That is why this House should be so careful before it embarks on such a course of action, and that is why Lord Waddington has been sensible in trying to find a formula that would provide reasonable reassurance that this provision would not be misused—not just in terms of who eventually gets convicted in court, but above all in terms of who is oppressed by those in authority arguing that they have transgressed by expressing legitimate opinions. The Minister cannot get away from the fact that that is a current problem and has not been concocted out of thin air.

Mark Pritchard: My hon. and learned Friend touches on the important point of precedent, and we have already seen that with the public order legislation. I do not wish to put him on the spot, but—given his concern about the public order legislation and the crossover with this Bill—perhaps I shall invite him on to the spot to say what he would do as Justice Secretary should we form the next Government in May.

Mr. Grieve: It is quite plain that the way in which public order legislation has been applied needs to be reviewed. That is something that many hon. Members across the House would agree on, including, I suspect, the hon. Member for Oxford, West and Abingdon. That does not necessarily mean that the legislation needs to be altered, but the guidelines certainly need to be reviewed, because there is a continuing failure to understand what the offences that it is intended to deal with are.

However, I hope that my hon. Friend will forgive me if I bring us back to Lords amendment 59. I wish to bring my remarks to a close, as other Members wish to participate in this debate. We on the Opposition Front Bench will vote to support Lord Waddington's amendment. We believe that it is innocuous, that it provides much-needed reassurance in a difficult area and above all—I emphasise this to the Minister—that it will not prevent the successful prosecution of somebody who intends to incite hatred through threats.

David Taylor: There is indeed a strong sense of déjà vu about this debate, given that it is the fourth time that we have discussed the free speech clause. We have also discussed a previous attempted free speech clause, as proposed by my hon. Friend the Member for Heywood and Middleton (Jim Dobbin) in January 2008. I do not want to add to the sense of déjà vu by repeating all the arguments that have been made before, but I want to explain why I think the Government are still wrong on the matter and why I wish they would let the free speech clause remain on the statute book, where it has been for the past 18 months.

The other place has voted for the clause three times, most recently in July, by 186 votes to 133, giving a majority of 53. I unsuccessfully moved an amendment in this place on 24 March to retain the free speech clause, so I was obviously pleased with the vote in July. I was especially pleased that more and more Back Benchers in the Lords from my party seemed to see the sense in a free speech clause. They either voted for it in greater numbers or abstained. I had hoped that the Government would start to see the sense in the free speech clause too.

I find it hard to accept that we are again being asked to vote against the free speech clause. I thought that free speech, civil liberties and human rights were exactly the sorts of things that we were supposed to be in favour of. I am sure that they brought my hon. Friend the Minister into the Labour party, among other things, and they certainly did me in North-West Leicestershire. We should say that we support civil liberties. We all quote Voltaire and proclaim our tolerance, but here we have an opportunity to uphold tolerance for people whose views we may not agree with, but who have a right to those views and a right to express them in a reasonable way.

Before anybody intervenes with a dreadful example of incitement to violence against gay and lesbian people that they claim would be protected by the free speech clause, let me remind hon. Members—for the third time, and briefly—what it says:

> "for the avoidance of doubt, the discussion or criticism of sexual conduct or practices or the urging of persons to refrain from or modify such conduct or practices shall not be taken of itself to be threatening or intended to stir up hatred."

The clause does not remove any mention of the context of the remarks. We are not talking about protecting foul rap lyrics or violent rants; we are talking about protecting discussion, criticism or the urging of people to modify their conduct. If someone uses threatening words and intends to stir up hatred, that is of course not mere discussion, but discussion with threats and intent to stir up hatred, which falls squarely within the offence, and so it should.

The free speech clause is irrelevant in one sense. As paragraph 392 of the explanatory notes makes clear, it would not affect

> "the threshold required for the offence to be made out."

The clause would not provide a defence, which is what the Minister implied at one point. It would not narrow or alter the scope of the offence, which is what she tried to say earlier. However, if threats and an intention to stir up hatred are not present, the discussion falls outside the new offence, and the free speech clause simply makes that plain. It is, as it says, for "the avoidance of doubt", and would help to protect innocent people from unnecessary and intimidating police investigations.

We need that protection, because there seems to be quite a lot of doubt, and as a result quite a lot of unnecessary investigations. In fact, people seem to make complaints to the police as a tactic to silence opinions that they do not like. I am sure that hon. Members from all parts of the House would agree that we should deprecate that. That is not what the criminal law is there for, nor is it what the police are there for. We should make that clear when there is doubt.

Who wants the criminal law to be used to silence discussion or criticism of sexual conduct? Who wants the new homophobia offence to be used against those who merely urge people to modify their conduct or, in religious language, to repent of their sins? There have been countless cases, and several more since we last discussed the matter in the House seven or eight months ago, of exactly that happening.

Andy Robertson is a street preacher. There is a video of him on YouTube, which hon. Members may watch in their offices before the vote. He comes across as an eminently calm and sensible man, and he has preached in the streets of Gainsborough, Lincolnshire for 10 years with no complaints whatever to the police or civil authorities. Yet police officers were sent in by a council employee to move him on, and told him that describing homosexuality as a sin falls foul of section 5 of the Public Order Act 1986. I shall return to that. The preacher had not even mentioned homosexuality, but the police, having failed to move him on by citing irrelevant council byelaws, seemed to seize on unfounded and unsubstantiated allegations of homophobia as a device for shutting him up. If they can do that with section 5 of that Act, which is a general offence covering harassment caused by threats, abuse or insult, who can doubt that they would use the new offence, which specifically covers homosexuality?

I look forward to hearing the hon. Member for Oxford, West and Abingdon (Dr. Harris) if he catches your eye, Mr. Deputy Speaker. He believes that we should remove the word "insulting" from the section 5 offence. I think he probably has a point, and I hope that the Government will listen to it, but that will not solve the problem of how to stop the new homophobia offence being abused in similar ways. Recent cases have shown that a dangerous attitude to gay rights is prevalent among the police and that makes it important to include the free speech clause.

Another example with a little more detail is that of Pauline Howe, which is the most recent case to hit the headlines. She is a 67-year-old grandmother who wrote to her council complaining about a gay pride march at which she says she was verbally abused. She used old-fashioned, politically incorrect words and several biblical references, and, I doubt whether many of us in the House would have written a letter in those terms. I hope that the Minister is listening to my comments, and not just to Front Bench conversations. Pauline Howe's letter

[David Taylor]

certainly did not merit two officers interrogating her in her living room, and apparently frightening the living daylights out of her, but that is what happened.

Miss Widdecombe: Will the hon. Gentleman tell me whether he has any comprehension of how merely writing a letter to an official body could constitute an offence against public order?

David Taylor: I am not a lawyer, but merely a humble accountant, if that is not an oxymoron. I cannot explain that, but we have an eminent lawyer on the Front Bench—the Secretary of State—who may be able to explain that in an intervention or in some other way.

Mark Pritchard: Does the hon. Gentleman share my concern that without protection the Bill could be enforced in areas such as home schooling, when some people bring their children up in a particular faith, whether Jewish, Muslim, Christian or another faith? *[Interruption.]* The Minister may think that that is nonsense, but I am reflecting some of my constituents' concerns, and I am entitled to do so. If she has something to say, she should say it from the Dispatch Box or from the Back Benches and not from a sedentary position. The point is serious. Does the hon. Gentleman agree that there is concern that the provision could be extended to home schooling, and that people in their own homes could be restrained from teaching their children in a particular faith course?

David Taylor: There is a risk of that—I am not sure that there is any evidence that it is happening yet—depending on the atmosphere within which the police interpret the new legislation, and the pressures to which they will no doubt be subjected.

Pauline Howe has been the subject of a considerable public outcry, and her freedom of speech has been defended by people across the political and philosophical spectrum. I am sure that Ministers have heard or know of Ben Summerskill of Stonewall, who said that the police response in her case was "disproportionate", although I do not know where he stands on free speech. One minute he is giving evidence to Parliament that he does not mind having a free speech clause in the homophobia offence, but the next minute he is campaigning against it. However, he said that the police response to Pauline Howe was "disproportionate", and I agree, but in 2007 he said that he was shocked that the police allowed Christians to demonstrate outside Parliament against the sexual orientation regulations. We rightly allow all sorts of demonstrations, some of them pretty unpleasant, outside this place, and I do not think that a few hundred hymn-singing Christians should be deprived of the democratic rights that the rest of the population enjoy. Mr. Summerskill might not be the most reliable guide on the subject of free speech.

We were told in the debate in the other place—and, by inference, this evening—that the Waddington clause says nothing about free speech and that we should therefore not retain it. That is a silly, specious argument. Just because something does not contain the term "free speech" does not mean that it does not protect free speech. We legislate in all kinds of ways to protect free speech without putting the actual term into the text. The Waddington clause protects free speech by defining a range of moderate expressions—discussion, criticism and urging—that already fall outside the offence, and by drawing them to the attention of the police and prosecutors. It is therefore signposted.

9 pm

Mark Durkan: My hon. Friend has given a number of examples—albeit from different legislation—to support his concerns. Has he heard any examples from the Minister, or from anyone else in the Government, of how the existing provision on free speech has either confounded or frustrated the basic intent of the current legislation?

David Taylor: No, I have not. We have not heard any convincing arguments at all. We have seen some smoke and mirrors, and some hand-waving, but we have heard no evidence.

The Minister said tonight—I paraphrase slightly—that the clause has no effect and that we can therefore dispense with it. It is true that it does not change the threshold of the offence, but that is not the same as saying that it has no effect. It provides a signpost to police and prosecutors that they must leave innocent people alone if all they have done is discuss or criticise sexual conduct. There is plenty of evidence that there is a real problem with the police's handling of these cases, and the effect of the clause will be to tackle that problem.

The Minister also said a moment ago that bad people would try to hide their actions behind the clause. I can say, even as a non-lawyer, that they would not have much luck. The explanatory notes make it clear that the clause does not affect the threshold of the offence. If someone breaches the threshold of the offence, the free speech provision will do them no good whatever. I believe that the Minister is demonstrating what psychologists call cognitive dissonance, in that she is holding two mutually conflicting opinions at the same time. She is struggling with the tussle that they are causing in her brain. The free speech clause either achieves nothing or it allows bad people to get away with things that they would otherwise not get away with—she cannot have it both ways. It is either one or the other. It is a binary, black or white, zero or one, yes or no. There is no middle way that the Minister, as part of the new Labour intake into this place, would like to see.

Nasty people who are facing prosecution will always cast about looking for a way to get off. They often falsely cite the Human Rights Act 1998, but I do not think that any hon. Members believe that that is a reason to repeal that Act. Similarly, the fact that people will falsely, and unsuccessfully, cite the free speech clause is not a reason to repeal it. We are told that use of the phrase "of itself" might mean that people can ignore the context of the remarks. That argument did not make any sense to me when the Lib Dems last raised it, and it still does not. I recall that the hon. and learned Member for Beaconsfield (Mr. Grieve) dealt with it fairly deftly at that time, although he did not get the chance to do so again tonight. I do not believe that it strips the context from the remarks that have been made.

We are also told that we can deal with the cases that we are worried about by amending section 5 of the Public Order Act. The Government are apparently consulting on section 5; perhaps the Minister will confirm where we are on that. Perhaps changes will be recommended, but that is not the offence we are dealing with here. We are dealing with the homophobic hatred offence. If a general offence, such as section 5, can be used against people for expressing views on homosexuality, it is inevitable that an offence that specifically deals with homosexuality will be used even more often. So we must pay special attention to the need to protect free speech in this area.

There is a lot of public sympathy for these victims of police heavy-handedness in the area of gay rights, and I think that people would like to see us make provision to try to stop this sort of trampling on people's civil liberties. The free speech clause does nothing whatever to reduce the level of protection that the Government—quite rightly, and with widespread support—aim to give to gay people.

The Government admit that the clause does not affect the threshold of the offence; it cannot therefore be used to defend actions that fall within the ambit of the offence. It does not remotely affect any of the other criminal offences that can be used to target those who perpetrate or encourage acts of violence towards any members of our society or to target words that cause "harassment, alarm or distress". We should find the guilty and prosecute them—who would not endorse that sentiment?—but we should not catch the innocent in the crossfire of that approach.

The free speech clause does no harm whatever; it does only good. If we remove this free speech clause, we send out the message that we are quite happy to take a risk with the freedom of people like Andy Robertson and Pauline Howe. I, for one, am not prepared to take that risk: I will vote against the Government and I urge other hon. Members to do exactly the same.

Dr. Evan Harris: It is good to be back on this subject. I always predicate my remarks on these issues with the words of the late and greatly missed Linda Smith, who said, "I'm not religious; I get on with everyone." I doubt whether that could apply to me, but it is fair to say that I have a record of protecting free speech. That is true in respect of religious hatred—as the hon. and learned Member for Beaconsfield (Mr. Grieve) will remember, we worked together on curtailing what would have been an overly broad offence. I have also worked on proposing the repeal of blasphemy, on opposing the criminalisation of the so-called "glorification" of terrorism, on calling for libel law reform and, indeed, on proposing an amendment to get rid of the "insulting" provisions in section 5 of the Public Order Act 1986, which we were not able to debate during the passage of this Bill through the House because of the use, yet again, of a preposterous undemocratic programme motion, which denied us the opportunity to provide due scrutiny to Government legislation. I should add that owing to yet another programme motion that has not been consulted on—at least not with Liberal Democrat Members—the provision passed in the other place to repeal seditious libel and criminal libel is one that once again we cannot debate. I hope the House will therefore accept that I have a record of supporting free speech.

I want to make it very clear that I support free speech for homophobes. I believe that people who are homophobic—that will include some religious people who may not necessarily intend any offence, but they are perceived as homophobic by some people—should have the right to free speech without great restriction, albeit within certain limits. It is a good thing that we are discussing homosexuality in the context of free speech rather than the rights and wrongs of homosexuality. I think that that is a sign of how things have progressed during my time in the House.

I have to say to supporters of the Waddington amendment, however, that they are promoting the wrong amendment. If they want to tackle the existing mischief and the future mischief of over-policing of comments that might be taken to be homophobic, they have to ensure that our law does not criminalise insulting speech, whether intentional or not, that is short of threatening—or, in the case of directly causing harassment, distress and alarm to someone, something that is short of abusive. While "insulting" exists in the Public Order Act, inserting this provision into it will, with or without the Waddington amendment, still make people feel that they cannot insult people on the basis of sexual orientation and will still make the police believe—perhaps the police should think much more carefully about this, but the "insulting" provision is on the statute book—that they have to investigate complaints, particularly given the fact that people feel that the police should take seriously complaints about incitement to hatred or insulting behaviour on the grounds of race, sexual orientation or religion. I thus urge the House to recognise that in a sense we are debating the wrong amendment. I will come on in a few moments to the right amendment to remove the insulting provisions from the statute book, but it has been put to this House—although not debated—and is supported by the Joint Committee on Human Rights.

David Taylor: The hon. Gentleman may have heard that I anticipated his bringing up this point. I think that his point should be supported and that the word "insulting" should be removed. Is he firmly of the opinion, however, that that is all that is necessary to improve this particular legislation and that the chance of further over-the-top and heavy-booted action by the police and other authorities would be much less if that one word were removed?

Dr. Harris: It would be much less, because the police clearly would not investigate in the outrageous cases about which we have heard. The treatment of Pauline Howe, whom the hon. Gentleman mentioned earlier, was not disproportionate but absurd. It was disgraceful that the police wasted their time on such a matter. If the "insulting" provision was not there, I am certain that the problem would be less. We cannot legislate for every over-officious police officer, but we can make a clear statutory change to get rid of that provision. Although we are not debating that provision now, it is relevant.

Miss Widdecombe: What the hon. Gentleman says may be true, and the menace may be section 5 of the Public Order Act, but it is not before us tonight, it is not for amendment, and there is no immediate proposal by the Government to amend it. We must therefore use what is at our disposal to try to guarantee free speech. Given the circumstances that we are in—rather than those he wishes us to be in—he should support this amendment.

Dr. Harris: I am an eternal optimist, and I believe that we should aim for the right legislation, not create the wrong legislation on the way to getting the right legislation. My hon. Friends and I will support the Government in the Lobby tonight, and I suspect that there will be another large majority in favour of deleting the provision, so the matter will go back to the House of Lords. However, their lordships should apply themselves to the specific legislation where the problem lies.

Let me set out the reasons for the position taken by the Liberal Democrats. As the Minister said, the incitement to racial hatred provision currently has a low threshold. However, the religious hatred provision rightly has a much higher threshold—it was important that that was restricted to threatening language, and that "intentional" was a requisite part of the offence. Given the importance of being able to proselytise freely, or to criticise religion, there should be a broad free speech saving that was not about religious conduct or practice but about the arenas in which speech would take place, such as those of political discourse, comedy, performance or broadcast. Clearly, that would not be in the nature of language that was threatening and intended to incite hatred such as when talking to a bunch of skinheads in a pub. The measure that we agreed for religious hatred is therefore the right one.

In relation to hatred on the grounds of sexual orientation, the Government have done what is essential: they have ensured that the measure deals with threatening only, and intentional language only. I can think of no pastor or street preacher who is so extreme that they would seek to incite hatred and use threatening language. They might do one or the other, but it is hard to imagine a preacher who would do both. I do not necessarily have good views of religious extremists, but I cannot think of one who is likely to do that. Some religious extremists incite violence directly, and that is already an offence, but they do not go the roundabout way of intending to stir up hatred using threatening language; they usually talk about measures that incite violence directly. No example has been given of the sort of religious speech that would be covered, without the so-called saving. The saving is unnecessary to protect religious speech.

However, there is a real danger out there of extremist political parties using threatening language about sexual orientation that is intended to stir up hatred, without otherwise breaching another part of the statute. Again, let us imagine the British National party saying something homophobic in the context of paedophilia, which is, of course, a myth about homosexuality. However, if it is inciting, and if it uses the words, "And they've got it coming to them," that adds the threat, and that is the real mischief. We know how child abuse is sometimes dealt with in the popular press, and how that can create the sort of mob mentality that is the execution of the incitement of hatred. That would rightly be caught by the offence.

9.15 pm

Mark Durkan: The hon. Gentleman has touched on an attempt to answer the basic question that I was going to ask him. Does he know of any case in which the existing free speech saving clause has prevented investigation or a prosecution when it might have been suggested that one should have taken place in the broad public interest?

Dr. Harris: This offence has not existed for long while the free speech saving clause has been in place, so I do not think that there has been an issue in that regard. What we must deal with is the existing mischief, rather than hypothetical situations. There is a real threat of incitement to homophobic hatred by extremist political parties, as opposed to the religious. The example that I gave would not currently constitute an offence because it does not directly incite violence, but incites hatred and involves the use of threatening language. Until we have this law, there was no provision to deal with incitement to hatred on grounds of sexual orientation.

Let me turn to the so-called Waddington amendment. I do not doubt the sincerity of Members who support it, but I note that its sponsors in the Lords were not very keen on free speech when it came to the repeal of the blasphemy laws, and generally have not been defenders of free speech when it comes to terrorism law. There is clearly a lobby in favour of extra provisions for free speech in one area, the area of sexual orientation, but we must take that on its merits. What concerns me about that amendment is that its wording creates confusion.

Let me give the hon. and learned Member for Beaconsfield an example, because he invited me to do so. The amendment states that the

> "criticism of sexual... practices or the urging of persons to refrain from or modify such conduct or practices shall not be taken of itself to be threatening or intended to stir up hatred."

Does that mean that if some extremist group, probably political rather than religious, says, "These gays should keep their dirty practices away from our children or they will get what is coming to them," that would be covered by the clause? They might think, rightly or wrongly, that because they were restricting their language to criticism of practices—and it is clearly critical of a sexual practice—and urging people to refrain from such practices, albeit in an outrageous and distorted way, they would benefit from the protection of the clause. They might say that their language should not of itself be taken to be threatening or intended to stir up hatred, although it clearly is threatening and does stir up hatred.

I think it is a bit too late for the hon. and learned Gentleman to get out his law books after the damage has been done, and to say, "No, actually they do not benefit from the saving clause", but I should be grateful if he could address the issue.

Mr. Grieve: I do not think they would benefit from the saving clause, because their language would be threatening. That is clear from the expression, "They will get what is coming to them." I do not think that, given those circumstances, that is a valid criticism of the operation of the saving clause. It is, of course, right to say—we have debated this in the past—that incitement to hatred should not be construed as the same as expressing a dislike of something, including quite an intense dislike. There is a dividing line between the two, and in my experience courts, and indeed police officers, ought to have no difficulty in telling the one from the other.

Dr. Harris: What if I say to the hon. and learned Gentleman that the wording was, "These gays had better keep their dirty practices away from our children"? There is a threat in that wording, but is the hon. and learned Gentleman saying that that of itself should not be taken to be threatening or intended to stir up hatred? This is the difficulty, and I note that the hon. and learned Gentleman is not rising to deal with it. There is not a direct threat in the words "had better", but there is an implicit threat. I could also have used the words "or else". In the context of a mob or crowd of skinheads, for example, in a pub back room, that is a problem.

Mr. Grieve: I do try to listen to an argument before I intervene, and I think that those words would be caught in exactly the same fashion.

Dr. Harris: That is the opinion of the hon. and learned Gentleman, but it is not apparent in the wording of the saving clause. It could be taken to lead people to believe that as long as they talked only about sexual conduct or practices and not about homosexuality itself, nor about people themselves, that was a get-out. It is no good saying, "Well, when the first case is prosecuted, this will filter out to the mobs," because that is not the way these things work. I therefore think this is unnecessary and, as the Minister said, it could cause confusion. I disagree about whether it would be covered, but we do not have to agree on that; rather, we have to recognise that it is not clear law.

Mark Durkan: Will the hon. Gentleman not agree that the example he has given is of people not talking about the actual sexual practices of homosexuals, but alleging criminal behaviour and the threat of criminal activity—which he has rightly said they are not involved in, because he said that paedophilia is a completely misdirected accusation that comes from people of prejudice against people of homosexuality? Therefore, by the hon. Gentleman's own explanation, this is not of itself a discussion of their sexual practices.

Dr. Harris: What matters is whether the mob stirred up thinks it is, because that is what causes the damage. It is not for the court to decide whether it is a reasonable statement. The court has to decide whether it stirs up hatred, whether it was intended to stir up hatred and whether the language was threatening; and after the damage has been done it is too late for Members to come back and say, "Well, the saving clause wasn't really intended to cover this, and on a narrow argument." It looks as though it does give a let-out; and it is not an offence to accuse other persons unnamed of criminal offences—we do that all the time—so there is no alternative prosecution.

Mark Durkan: The hon. Gentleman has just acknowledged that in the example he has given, hatred had been stirred up. Although the mob would not understand this, if the mob had been stirred up, even with the saving clause, an offence would clearly have been committed.

Dr. Harris: I do not accept that that is clear, but I also feel strongly that whether or not that is the case, it is not apparent to people reading the statute what the saving clause does and does not allow; that is simply not clear. To put the words

> "for the avoidance of doubt"

in front of the provision does not make it any clearer. In fact, it makes it seem that it should be obvious, and when it is not obvious, one is puzzled.

Finally, I want to move on to the alternative way of dealing with this. There have been occasions—including all the examples that have been given, such as the Lancashire and Norfolk cases, Iqbal Sacranie and Lynette Burrows—when the people concerned have been questioned by the police. That must stop. The Joint Committee on Human Rights has made it very clear in its considerations of this matter that it is time for the "insulting" provision to be removed from the Public Order Act. It said that in the policing and protest inquiry, which was in the seventh report of 2007-08, and it said it in its eighth report, on this Bill.

It is welcome that the Government are looking at this. However, I hope the Minister will be able to say in winding up that they have stopped looking and are now going to start doing, because I do not think there is opposition to this anywhere in the House. The police may object, because they want the ability to start questioning anyone who insults anyone else short of being threatening or abusive, but that is not good enough.

If the Government are serious about protecting free speech, they have to deal with this, because there has been a prosecution. The case of Hammond *v.* DPP involved

> "an elderly street preacher who preached in the centre of Bournemouth on a Saturday afternoon while holding a large sign with the words: 'Stop Immorality', 'Stop Homosexuality', 'Stop Lesbianism' and 'Jesus is Lord'. A hostile crowd of some 30 to 40 people had formed, some of whom reacted violently by assaulting Mr. Hammond. After his refusal to desist from preaching, and following substantial debate among themselves…the police decided to arrest Hammond rather than his opponents and he was duly convicted of displaying an 'insulting' sign causing 'alarm or distress'…contrary to section 5 of the Public Order Act 1986."

The divisional court upheld the conviction, despite a human rights claim. That means we cannot rely even on article 10 of the convention. We need to get rid of this statute. I understand that, unfortunately, the gentleman died before he was able to take his appeal further. I think that even if just one person is treated like this, it is unacceptable.

Dr. McCrea: But surely the hon. Gentleman understands that this is the dilemma that preachers face. Here was a person simply standing with a placard, and yet there was no protection for him. The Government know about this. They say they are looking at it, but they are certainly acting in some circumstances where action is not needed. Why are they not doing something that is needed to protect people exercising their lawful right to preach?

Dr. Harris: I do not think that any of these people would be prosecuted under the law before us, but they clearly remain at risk of being investigated, and potentially prosecuted and convicted, under section 5 of the Public Order Act. The Minister could do us all a favour by helping those of us who want to help the Government by saying something substantive on that point. I think that she and her right hon. Friend the Secretary of State will accept that it has been raised by me on several occasions. It is the real problem. Her doing so would unite *The Guardian* and *Daily Mail*, the right hon. Member for Maidstone and The Weald (Miss Widdecombe) and me—nothing else that I can think of does that—as well as solving her problem in the other place. I urge her to say something on that, so that we get the right law and the right amendment passed. Otherwise, I urge the House to support the Government in this matter.

Miss Widdecombe: First, may I say to the Minister that neither she nor her right hon. Friend the Secretary of State, or any Minister involved in this law, has the smallest appreciation of how threatened people out there feel when it comes to the exercise of free speech? One of the most common phrases that we hear now, on a wide range of topics, not just this one, is "Of course, you can't say that these days." Normally, it is said to indicate that the person has a view but is afraid, under current state orthodoxy, to express it.

Interestingly, when we last debated this particular amendment from the other place—I hope that the other place insists on it, as it has done in the past—many of the same examples were cited, although the most recent Norfolk one was obviously not available then. The Minister at the time—not this one, I hasten to add—stood at that Dispatch Box and told us categorically, "Of course, this was unreasonable. None of that police action should have taken place." Let us forget for a moment which particular law it took place under. She said that it was all due to misplaced interpretation and all that would be cleared up by guidance.

Several incidents have taken place in which police action has resulted in very severe criticism, including from Ministers. Despite that, despite the publicity given to it and despite the Government apparently distancing themselves from that sort of action, recently there was an exact repeat of the problem in the case of the 67-year-old pensioner from Norfolk. In other words, not all the guidance that is being issued is stopping this particular menace. It may be that the hon. Member for Oxford, West and Abingdon (Dr. Harris) is right when he says that the most satisfactory way of addressing this problem would be through section 5 of the Public Order Act, but that Act is not before us tonight. It is not promised to be before us in the near future or even in the distant future, long after this Government have ceased to exist—it is not promised to be before us at all. Thus we must act with the tools that we have got.

The amendment offers some very necessary reassurance to people who seriously believe at the moment that their freedom of expression is restricted and that it is now possible—we have seen from those examples that indeed it is—that the police will arrive on their doorstep not because of something that they have done, but for an opinion that they have expressed. That properly belongs to totalitarian states; it should not belong to free countries. It should never be a feature of a free country that if one writes to a council to express a view on something—anything at all—it should result in the police arriving on the doorstep.

The amendment seeks to reinstate a clause that simply, for the avoidance of doubt, endeavours to put on the face of the legislation freedom of conscience and freedom of the expression of religious and other views. When such a provision was last opposed by the Government, the entire argument—it is all there in *Hansard*—was based on its being unnecessary. If it was merely unnecessary, there would not be such movement tonight to remove it, and so now the Minister has changed the position. Now, it is not so much that it is unnecessary, but that it might produce the sort of behaviour that we are trying to curtail.

9.30 pm

The ground has shifted, but there needs to be protection for ordinary Britons from having the police on their doorsteps, as happened to the Lancashire couple, to the children's author Lynette Burrows, to Iqbal Sacranie himself—no preacher, said the hon. Lady, is in any danger, but what is Iqbal Sacranie if he is not a religious leader and preacher?—and lately of course in the Norfolk case. There has to be a signal from us that enough is enough; that guidance will not suffice, because it has not sufficed; and that condemnation from this House and from those on the Government Front Bench does not suffice, because it has not sufficed. We must make it explicit that there is freedom of opinion, freedom of conscience, freedom of religious belief and, above all, freedom of the ability to express any of them.

Claire Ward: This has been an interesting debate. However hard I try to make it absolutely clear to the right hon. Member for Maidstone and The Weald (Miss Widdecombe) and the hon. and learned Member for Beaconsfield (Mr. Grieve) and, indeed, to my hon. Friend the Member for North-West Leicestershire (David Taylor), who has shifted his place—

Mr. David Drew (Stroud) (Lab/Co-op): Yes, he is always like that.

Claire Ward: Indeed, he is capable of doing so.

It is easily possible to outline both the existing provisions and the reasons that make the measure unnecessary. It is not necessary to put on the face of the Bill that freedom of expression should be protected. We do not legislate for that in a range of other areas where we believe that we all have a right to express our views, and in this instance we need not do it because the Attorney-General, who would have to consider any prosecution, has a duty to take into account the convention rights under the Human Rights Act 1998—

Miss Widdecombe: Will the hon. Lady give way?

Claire Ward: I will in a moment.

There is therefore no need for this saving provision on freedom of expression.

The provision might be harmful because it might well give some comfort to those people who wish to stir up hatred and who wish intentionally to use threatening words to stir up hatred. They might well be able to argue that it is simply a use of their freedom of expression to do so, and that cannot be acceptable when we have already set the threshold of the offence so high. For that reason, I believe that it is perfectly possible, perfectly logical and perfectly legitimate to argue not only that it is unreasonable and unnecessary to have this clause but that it could be harmful to do so.

Miss Widdecombe: I am grateful to the hon. Lady for giving way, but the point has almost passed. She was referring to the unlikelihood of a prosecution. We are seeking to avoid the likelihood of even the earliest stages of an investigation for a mere expression of opinion—in other words, the police on the doorstep.

Claire Ward: I perfectly appreciate what the right hon. Lady is saying, but we heard misconceptions about how the offence might be used.

It has been said that without a freedom of expression provision, the offence will have a chilling effect and may prevent people from proselytising against homosexuality or from expressing their distaste for certain sexual practices. It has been alleged that the offence would prevent people from preaching religious doctrine. It has even been suggested—by the hon. Member for The Wrekin (Mark Pritchard)—that somehow it will fetter the ability of people who want to home-school or to bring up their children in a particular faith.

The offence does not do that. If parents or home educators wish to teach their children, for example, that homosexuality is wrong or that certain sexual practices are wrong or unacceptable, or if they wish to be insulting about such practices or about homosexuality, it would not be covered by the offence, which is simply about threatening words that are intended to stir up hatred. The right hon. Lady and the hon. Gentleman have simply not understood or accepted the high threshold level in the clause. Let me repeat that the offence can bite only when the words or behaviour are threatening and intended to stir up hatred against a group of people on the grounds of sexual orientation.

Evangelical preaching against homosexuality or portraying gay characters in comedy sketches could only be caught up if it was done in a threatening way, intended to stir up hatred. Any words or behaviour that fall into that category should rightly be caught by the law. If the hon. Gentleman or the right hon. Lady are suggesting that they should not be, clearly they are suggesting that it is acceptable to incite hatred against homosexuals. I do not believe that is what the right hon. Lady is saying, but if that is not what she is saying, she needs to give credit to the assurances from the Dispatch Box that the offence is not about criminalising people who simply preach or proselytise their religious or moral values if they do not intend to stir up hatred by doing so.

Mr. Grieve: Quite apart from the fact that the Minister's remarks are rather offensive in terms of the views of Members on the Opposition Benches, I have absolutely no doubt that section 5 of the Public Order Act was not intended to be applied in the way it has been applied. I have no doubt that if the provision had been debated in the House exactly the same assurances would have been given. The fact of the matter is that the legislation that is being enacted has the capacity to be misused—I do not have the slightest doubt about that—which is the very reason why we thought it was sensible of Lord Waddington to include a saving clause that ensured that did not happen. What can possibly be wrong with that?

Claire Ward: I have already explained that it is completely unnecessary to provide such a clause. We do not provide saving clauses or freedom of expression clauses on a range of other forms of offence, where it is not necessary. It is not something that we would advocate. It is simply wrong to imply that the offence could cover anything else, as some Members have suggested this evening.

Freedom of expression or saving clauses imply that there is room for doubt and make the position less clear. The police and prosecutors, and indeed the public, need clarity and certainty about the scope of the criminal law, and the offence as it stands, without the saving provision in section 29JA of the Public Order Act, creates uncertainty. It clouds the issue and it should be removed.

Many Members have made reference this evening to the concerns that have been expressed about purported incidents of over-zealous policing—

David Taylor: Will my hon. Friend give way?

Claire Ward: I shall make a little more progress.

Those incidents of purported over-zealous policing have probably taken place under section 5 of the Public Order Act. Without seeing the details, it is not for me to say whether the police acted appropriately in those cases. There are opportunities for people to object and express grievances against the police, should they wish to do so. The hon. Member for Oxford, West and Abingdon (Dr. Harris) is right to make it clear that the Government have said that they intend to examine the issue. In his letter to my hon. Friend the Member for Hendon (Mr. Dismore), the Chair of the Joint Committee on Human Rights, my right hon. Friend the Minister for Policing, Crime and Counter-Terrorism stated:

> "In our reply to your report and in oral evidence to the Committee, the Home Office also gave undertakings to consult on amendments to section 5 of the Public Order Act 1986 . . . We have sought views from a range of stakeholders on section 5 and are currently collating the responses".

So we are looking seriously at those issues.

Several hon. Members *rose*—

Claire Ward: I want to deal with a few other issues. I shall give way to the hon. Member for Oxford, West and Abingdon, then I intend to make progress so that there is an opportunity to discuss other points that were raised.

Dr. Evan Harris: I am grateful to the Minister for re-affirming what the Government said in response to the Joint Committee on the matter. I welcome that, as far as it goes, but can she give any indication of a time scale for any legislation that might flow from that review? In other words, if there is a criminal justice Bill in the next Queen's Speech—as sure as night follows day, there will be—would such a measure be in time to be included in that Bill?

Claire Ward: As I stated, we are considering the responses from stakeholders. We will consider that issue, and the hon. Gentleman will have to wait and see.

Let me deal with the other issues that were raised. The hon. Member for Foyle (Mark Durkan) referred to the situation in Northern Ireland. It is an offence in Northern Ireland to incite hatred on the grounds of race, religion, disability or sexual orientation. There is no such offence in Scotland, although the Administration are considering introducing aggravating factors there similar to those that already exist in England and Wales. The law in Northern Ireland does not have a freedom of expression provision of the kind under discussion.

It is important that we make it clear to the public and to those who have strong religious and moral views that we are in no way fettering their freedom of speech. However, we are making it equally clear that those views cannot be used to justify threats or words intended to stir up hatred. The section currently in the legislation is unnecessary. It is appropriate to send a clear message, for the fourth time, back to the other place that this House does not agree with the amendment. This House is making it clear that we do not require a freedom of expression clause, and that the threshold for the offence is already high.

Question put, That this House disagrees with Lords amendment 59. -

The House proceeded to a Division.

Mr. Speaker: I ask the Serjeant at Arms to investigate the delay in the Aye Lobby.

The House having divided: Ayes 342, Noes 145.

Division No. 243] **[9.44 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Baird, Vera
Baker, Norman
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, Mr. Jeremy
Bruce, rh Malcolm
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, rh Andy
Burstow, Mr. Paul
Burt, Lorely
Butler, Ms Dawn
Byrne, rh Mr. Liam
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Carmichael, Mr. Alistair
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Davey, Mr. Edward
David, Mr. Wayne
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Featherstone, Lynne
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael
(Worcester)
Foster, Michael Jabez
(Hastings and Rye)
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gidley, Sandra
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, rh Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harvey, Nick
Havard, Mr. Dai
Healey, rh John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Howarth, David
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keetch, Mr. Paul
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Mr. Charles
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, rh Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John
McGuire, rh Mrs. Anne
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John

Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Dan
Rooney, Mr. Terry
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sanders, Mr. Adrian
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Smith, rh Mr. Andrew
Smith, Ms Angela C.
(Sheffield, Hillsborough)
Smith, rh Angela E. (Basildon)
Smith, rh Jacqui
Smith, Sir Robert
Snelgrove, Anne
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swinson, Jo
Tami, Mark
Taylor, Ms Dari
Teather, Sarah
Thomas, Mr. Gareth
Thurso, John
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, rh Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wright, David
Wright, Dr. Tony
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Ayes:
Mr. John Heppell and
Kerry McCarthy

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baldry, Tony
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benton, Mr. Joe
Benyon, Mr. Richard
Blunt, Mr. Crispin
Bone, Mr. Peter
Bottomley, Peter
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, Mr. Dai
Davies, David T.C.
(Monmouth)
Davies, Philip
Davis, rh David
Djanogly, Mr. Jonathan
Dobbin, Jim
Drew, Mr. David
Duddridge, James
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Field, rh Mr. Frank
Fraser, Christopher
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Gray, Mr. James
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Grogan, Mr. John
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Heald, Mr. Oliver
Heathcoat-Amory, rh
Mr. David
Hendry, Charles
Hoey, Kate
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howarth, Mr. Gerald
Howell, John
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Kawczynski, Daniel
Key, Robert
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Mackay, rh Mr. Andrew
Mackinlay, Andrew
Maclean, rh David
Main, Anne
Maples, Mr. John
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Moss, Mr. Malcolm
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Robertson, Hugh
Robertson, Mr. Laurence
Rosindell, Andrew
Selous, Andrew
Simmonds, Mark
Simpson, Mr. Keith
Smith, Chloe
Smith, Geraldine
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, David
Taylor, Mr. Ian
Taylor, Dr. Richard
Timpson, Mr. Edward
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Sir Peter
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Noes:
Mr. John Baron and
Mr. Philip Dunne

Question accordingly agreed to.

Lords amendment 59 disagreed to.

10.4 pm

Proceedings interrupted (Programme Order, this day)

The Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83F).

Lords amendments 119, 121, 236 and 239 disagreed to.

After Clause 103

INDEPENDENT COMMISSIONER FOR TERRORIST SUSPECTS

Motion made, and Question put, That this House disagrees with Lords amendment 66.—*(Bridget Prentice.)*

The House divided: Ayes 290, Noes 67.

Division No. 244] [10.06 pm

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai
Healey, rh John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCrea, Dr. William
McFadden, rh Mr. Pat
McGuire, rh Mrs. Anne
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire

Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wright, David
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Mr. John Heppell and
Lyn Brown

NOES

Baker, Norman
Barrett, John
Beith, rh Sir Alan
Bottomley, Peter
Brake, Tom
Breed, Mr. Colin
Brooke, Annette
Browne, Mr. Jeremy
Bruce, rh Malcolm
Burstow, Mr. Paul
Burt, Lorely
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Corbyn, Jeremy
Davey, Mr. Edward
Davies, Mr. Dai
Durkan, Mark
Featherstone, Lynne
Foster, Mr. Don
George, Andrew
Gidley, Sandra
Goldsworthy, Julia
Hancock, Mr. Mike
Harris, Dr. Evan
Harvey, Nick
Heath, Mr. David
Hemming, John
Hollobone, Mr. Philip
Holmes, Paul
Horwood, Martin
Howarth, David
Hughes, Simon
Huhne, Chris
Hunter, Mark
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Lamb, Norman
Laws, Mr. David
Leech, Mr. John
Llwyd, Mr. Elfyn
Mason, John
McDonnell, John
Mulholland, Greg
Pelling, Mr. Andrew
Price, Adam
Pugh, Dr. John
Reid, Mr. Alan
Rennie, Willie
Rogerson, Dan
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Spink, Bob
Stunell, Andrew
Swinson, Jo
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Webb, Steve
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Wishart, Pete
Younger-Ross, Richard

Tellers for the Noes:
Sir Robert Smith and
Jenny Willott

Question accordingly agreed to.

Lords amendment 66 disagreed to.

Government amendment (a) made in lieu of Lords amendment 66.

Lords amendments 3 to 54, 56 to 58, 60 to 65, 67 to 118, 120, 122 to 215, 217 to 235, 237, 238 and 240 to 244 agreed to, with Commons privileges waived in respect of Lords amendments 12, 14, 28, 54, 131, 145, 149, 150 and 185.

Motion made, and Question put forthwith (Standing Order No. 83H), That a Committee be appointed to draw up Reasons to be assigned to the Lords for disagreeing to their amendments 1, 2, 55, 59, 119, 121, 216, 236 and 239;

That Mr. Bellingham, Mr. Mike Hall, David Howarth, Helen Jones and Bridget Prentice be members of the Committee;

That Bridget Prentice be the Chairman of the Committee;

That three be the quorum of the Committee.

That the Committee do withdraw immediately.—*(Mary Creagh.)*

Question agreed to.

Committee to withdraw immediately; reasons to be reported and communicated to the Lords.

Business without Debate

SITTINGS OF THE HOUSE

Ordered,

That—

(1) at the sittings on Wednesday 11 and Thursday 12 November, the Speaker shall not adjourn the House until any Message from the Lords has been received and any Committee to draw up Reasons which has been appointed at that sitting has reported; and

(2) at the sitting on Thursday 12 November, the Speaker shall not adjourn the House, if a Message from the Lords Commissioners is expected, until that Message has been received.—*(Mary Creagh.)*

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118 (6)).

SECURITY INDUSTRY

That the draft Private Security Industry Act 2001 (Amendment) (Northern Ireland) Order 2009, which was laid before this House on 21 July, be approved.—*(Mary Creagh.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118 (6)).

SECURITY INDUSTRY

That the draft Private Security Industry Act 2001 (Amendments to Schedule 2) Order 2009, which was laid before this House on 12 October, be approved.—*(Mary Creagh.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118 (6)).

BANKS AND BANKING

That the draft Scottish and Northern Ireland Banknote Regulations 2009, which were laid before this House on 13 October, be approved.—*(Mary Creagh.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118 (6)).

FINANCIAL ASSISTANCE FOR INDUSTRY

That this House authorises the Secretary of State to undertake to pay, and to pay by way of financial assistance under section 8 of the Industrial Development Act 1982, in respect of the UK Innovation Fund, sums exceeding £10 million and up to a cumulative total of £150 million.—*(Mary Creagh.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118 (6)).

FINANCIAL ASSISTANCE FOR INDUSTRY

That this House authorises the Secretary of State to undertake to pay, and to pay by way of financial assistance under section 8 of the Industrial Development Act 1982, in respect of the Car Scrappage Scheme, an additional sum of up to £100 million.—*(Mary Creagh.)*

Question agreed to.

REGIONAL SELECT COMMITTEE (WEST MIDLANDS)

Resumption of adjourned debate on Question (2 November).

That Mr David Kidney be discharged from the West Midlands Regional Select Committee and Mrs Janet Dean be added.

Hon. Members: Object.

Debate to be resumed tomorrow.

REGIONAL SELECT COMMITTEE (SOUTH WEST)

Resumption of adjourned debate on Question (29 October).

That Linda Gilroy be discharged from the South West Regional Select Committee and Roger Berry be added.

Hon. Members: Object.

Debate to be resumed tomorrow.

TAX LAW REWRITE BILLS (JOINT COMMITTEE)

Ordered,

That Mr Kenneth Clarke be discharged from the Joint Committee on Tax Law Rewrite Bills and Mr David Gauke be added.—*(Rosemary McKenna, on behalf of the Committee of Selection.)*

TRANSPORT

Ordered,

That Sammy Wilson be discharged from the Transport Committee and Mr Jeffrey M. Donaldson be added.—*(Rosemary McKenna, on behalf of the Committee of Selection.)*

STATUTORY INSTRUMENTS (JOINT COMMITTEE)

Ordered,

That David Simpson be discharged from the Joint Committee on Statutory Instruments and Mr Nigel Dodds be added.—*(Rosemary McKenna, on behalf of the Committee of Selection.)*

PETITION

Equitable Life (Northavon)

10.23 pm

Steve Webb (Northavon) (LD): This petition relates to the Government's response to the parliamentary ombudsman's report on Equitable Life. The petitioners are policyholders, their survivors and their supporters. The policyholders have suffered maladministration leading to injustice, as found by the parliamentary ombudsman in her July 2008 report. Furthermore, they and those whom they represent have suffered regulatory failure on the part of the public bodies responsible from 1992 onwards, but have not received compensation for the resulting losses and outrage.

The petition states:

The Petition of residents of the constituency of Northavon in South Gloucestershire,

Declares that the petitioners either are or they represent or support members, former members or personal representatives of deceased members of the Equitable Life Assurance Society who have suffered maladministration leading to injustice, as found by the Parliamentary Ombudsman in her report upon Equitable Life, ordered by the House of Commons to be printed on 16 July 2008 and bearing reference number HC 815; and further declares that the petitioners or those whom they represent or support have suffered regulatory failure on the part of the public bodies responsible from the year 1992 onwards, but have not received compensation for the resulting losses and outrage.

The Petitioners therefore request that the House of Commons urge the Government to uphold the constitutional standing of the Parliamentary Ombudsman by complying with the findings and recommendations of her Report upon Equitable Life.

And the Petitioners remain, etc.

[P000409]

Mental Health Services

Motion made, and Question proposed, That this House do now adjourn.—*(Mary Creagh.)*

10.24 pm

Mr. Charles Walker (Broxbourne) (Con): Thank you for calling me this evening for the Adjournment debate, Mr. Speaker. It is a great honour for me to speak tonight on mental health.

Earlier today, I visited a unit delivering mental health services to my constituents in Hertfordshire. It was a fantastic and enlightening visit. I met a wonderful lady called Sally Pegrum, a nurse who has been in the NHS for 34 years delivering services to mental health sufferers. She trained at 17 and became a mental health nurse at 18. She is still only in her early 50s, so I hope that we will have another eight years of her excellent service.

I asked Sally what changes she had seen in her 34 years of service, and she said that the delivery of mental health services to the most ill in our society has changed out of all recognition. That is a credit to previous Governments and to this Government. When she started 34 years ago, she worked in an institution—and in those days, they were institutions—where she discovered a woman in her 70s who had been there for 60 years for committing the crime of having a child out of wedlock in her early teens. This is recent history—it was not the turn of the century but 34 years ago. Let me start by saying, then, that things have moved a long way in the past 34 years.

I fully support the idea behind keeping ill people in the community and in intermediate care wherever possible. We have crisis resolution teams working towards that aim. The truth is, however, that the reality of crisis resolution teams does not always match the ambition we have set for them. Such teams are often overworked. They have very large case loads, which makes it difficult for the professionals comprising them to give mental health patients the attention they deserve.

There is often a shortage of intermediate and crisis housing, so even if we want to keep mental health patients in the community or near their homes, there are not the facilities to do so. I fully appreciate that efforts are being made to bring this up to speed, but at the moment, those facilities do not exist in many places.

More worryingly or as worryingly, emergency telephone numbers that are meant to operate 24 hours a day are often not manned in the evenings and at the weekend. If someone is having a mental health crisis, it does not always happen in business hours or during weekdays. We need these telephone lines to be staffed 24 hours a day to meet the cries for help. It is also the case that before being admitted to an acute unit with beds, mental health patients are expected to get assessed by these crisis teams, but in 50 per cent. of cases that is not happening. Again, we need to address this flaw in the system.

My final plea is on behalf of carers of people who are mentally ill. I have met many carers who look after people who are extremely ill, and without their help the full burden would fall on the NHS and the taxpayer. We, as a civilised society, need to look after the mental and physical health of these carers, and we need to ensure that they get excellent respite care, so that they can continue their excellent work on behalf of those whom they love.

I also accept that we are closing beds for the best of reasons, but the truth is that for every three beds that close in hospital wards that do not deal with mental health, six close in mental health wards. I am not going to stand here tonight and argue that mental health wards are particularly nice places to be. In truth, many are not and in fact I have never met anyone who looks forward to going into hospital. Mental health wards are important, however, and they do fulfil a need.

There are problems with existing mental health wards, as I have touched on. About 20 per cent. of patients feel physically threatened in them, while a further 50 per cent. feel threatened at times. A mental health ward is three times more likely to be assessed as being unsatisfactory than a ward treating people with heart disease or cancer, for example. Unfortunately, as my hon. Friend the Member for New Forest, East (Dr. Lewis) knows, such wards are too often located a long way from people's homes.

Dr. Julian Lewis (New Forest, East) (Con): I know a cue when I hear one. Not for the first time, my hon. Friend makes a remarkably eloquent case on the plight of the mentally ill. I was delighted that the brand-new Woodhaven hospital was built and opened in the past few years in my constituency. One reason why its acute ward is not a threatening place to be is that it has alongside it a psychiatric intensive care unit, so that if people get into a threatening state, they can be looked after there—except for the fact that that unit has been temporarily closed and might never reopen. Does my hon. Friend agree that to lose a psychiatric intensive care unit, which functions as a complement to an acute ward, is to make things worse not only for the people in need of the intensive care beds, but for those who need to go from the acute ward, at short notice, into intensive care, and who will now be sent, as he says, a long way away?

Mr. Walker: My hon. Friend makes a valuable point. It is no coincidence that today I visited a PICU—as they are called—an outstanding facility that aids the recovery of some of the illest in our society. I wish my hon. Friend the best of luck in his campaign, and I hope that the primary care trust reconsiders its position. Hertfordshire has an excellent, brand-new facility, which aids recovery.

I am not in favour of keeping acute wards open for the sake of it. However, we must accept that there is a danger of closing wards before the facilities are available in the community to pick up the slack and the patient load. The truth is that in most acute wards, occupancy rarely stands at 85 per cent. In most cases, it is far nearer 100 per cent., averaging 98 to 99 per cent., and can go as high as 125 per cent. when one counts people on leave who are trying to rehabilitate themselves into the community at an intermediate stage, but with the option of a bed remaining open if they have a crisis during that process.

As I am sure the Minister is aware, the pressure on such beds creates problems. When a higher threshold for admittance applies, such acute beds have a higher concentration of seriously ill patients. Staff numbers do not always reflect that situation. The overall number of patients might be the same, but their health needs are

[Mr. Walker]

far greater because the admittance threshold is raised. Therefore, more staff need to be in place, because too often they feel that they are managing patients, as opposed to treating and making them better, which is what mental health staff want to do.

I mentioned the issue of leave: many patients leave acute mental hospitals to have a couple of days in an intermediate setting to help them to integrate back into their community. However, many patients are frightened to go on leave because they fear that if they have a crisis they will never get back into hospital, as the demand for their bed becomes so pressing while they are on leave that it is given up. Psychiatrists report anecdotally a greater pressure to discharge patients early, which results in far higher rates of readmission. Also—I hope the Minister does not think that I am arguing against myself—bed blocking can occur, because the patient is at a stage at which they can be moved on, but the intermediate services between them and the community are not in place to take them on board. I notice my hon. Friend the Member for New Forest, East getting restless, and I will allow him to intervene again.

Dr. Lewis: I promise that this will be my last intervention. I had not intended to make it, but as my hon. Friend has referred to rehabilitation in intermediate stages, I must draw attention to the fact that Crowlin house—a state-of-the-art rehabilitation centre in Totton, in my constituency—is threatened with closure. It has been reprieved for the moment because no places have been found for residents to be sent in the meantime, but once again, exactly the scenario that my hon. Friend is describing in theory is developing in practice in my Hampshire constituency.

Mr. Walker: As the Minister knows, such intermediate services are critical. The closure of wards works only when there are good intermediate services that ease patients' return to the community.

One of my concerns about the additional pressure being placed on acute wards relates to staff turnover. If staff no longer feel that they are in control of the situation—if they feel under intolerable pressure—they are tempted to move on, and many staff who are experienced in hospital settings are now moving to crisis management teams. That is no bad thing, because they bring their experience with them, but we need equality of service. We need excellent people in the community, but we need excellent people in our hospitals as well.

I never thought that in my parliamentary career, I would talk about a balanced score card—it sounds very exciting and new—but I think we need one in this instance. When we are, rightly, closing hospital beds and reducing a hospital ward's capacity from 22 to 16, as is suggested by best practice, we should have that balanced score card. We should ensure, before the closures happen, that there are community facilities to take the increased load that will be moved back into the community. We should ensure that we have the intermediate beds, the safe houses and the respite care for carers that will make the transition work. We in this place want to be confident that the system works. We want to be confident that our constituents are being given the very best care, and that applies across the House this evening.

I have been speaking for 13 minutes, so I will start to wind up my speech. Being mentally ill is not a punishment. If someone has cancer or heart disease, that is not a punishment, but too often being mentally ill becomes a punishment, and it should not. We should show the same warmth and compassion to people with mental illness as we show to people with any other disease.

It is not going to happen, but if I were Prime Minister this would be my manifesto. We want appropriate, well-resourced community services: the very best services possible, which meet the needs of our constituents, help them to get well, and give them the reassurance they need that the community is ready to embrace them. We need acute beds in modern buildings that promote wellness and recovery. My local trust, Hertfordshire mental health trust, makes no bones about the fact that its acute wards need to be made a lot better. I visited the PICU today, and it is fantastically modern. It aids recovery, and we must ensure that our hospital beds aid recovery.

We need wards that are safe and clean. The mentally ill do not deserve second best. There should be the same focus on cleanliness in mental health wards as there is in any other ward. We also need wards that are age and sex-appropriate. I know that the Minister has personally made enormous strides during his tenure in ensuring that children do not end up on adult mental health wards. Nevertheless, about 400 children a year do end up on adult mental health wards, and as we all know, that number is too high and must be reduced. We also need to ensure that we do not have mixed-sex mental health wards. Again, we need to ensure that patients feel safe and secure.

Finally, we need to ensure that mental health staff are properly rewarded and motivated. I want an NHS that is full of Sally Pegrums. I want an NHS full of people who have given 30-plus years to something that they love. Working with the mentally ill means working in a hugely difficult environment, and it is hugely demanding. Sally has been assaulted verbally and physically on a number of occasions, but she still cares passionately about her patients because she knows that they are ill. We need to reward such people, not just with gratitude but by ensuring that the job allows them to earn a living.

This is not a party political issue. Regardless of which party wins the next general election, mental health must be at the top of the list. It has been at the back of the queue for far too long. Successive Governments have brought it forward, and this Government have done very good things—I do not deny that—but we need to make sure that it remains at the top of the list and pushes to the head of the queue. We face difficult financial times in the years ahead. NHS budgets will come under pressure, but too often the first budget to come under pressure is the mental health budget. In future, it must be the last to come under pressure.

I would like to thank the Royal College of Psychiatrists. I would also like to thank Rethink and Mind for briefing me this evening, and Hertfordshire Viewpoint and the Hertfordshire mental health trust. I thank the Minister, too, with whom I have had a great relationship during his time as Minister with responsibility for mental health. I may not face him across this Chamber again, and in case he does not return to this place after the next election, I would like to say that he has made a fantastic contribution to the cause of mental health, and I hope that if he leaves this place he will continue to give that area the benefit of his expertise. I thank him for everything he has done.

10.41 pm

The Minister of State, Department of Health (Phil Hope): I congratulate the hon. Member for Broxbourne (Mr. Walker) on securing the debate. I know that he has a very keen interest in this issue, stretching back to the work he did on the Mental Health Bill Committee two years ago. I also thank him very much for his extraordinarily generous remarks. If he were to sit on my side of the House, I would have no doubt he could be an excellent candidate for the highest ministerial office in the land, but we will see how things progress in the years to come; I shall watch his career with interest.

Mental health was once a forgotten service, which was poorly funded, highly reactive and focused on institutionalised care to support only those with the most severe illnesses. There were welcome, if rather flawed, attempts to transfer more mental health services into the community throughout the 1980s and 1990s, but it was the national service framework, established by the Government 10 years ago, that really moved mental health into a different place. It did this by expanding community services and developing a more proactive, preventive and personalised approach to treating people with severe mental illness.

As a result of the framework, and the £2 billion real-terms increase in mental health spending since 2002—there have been nine consecutive years of increased spending—we now have 67 per cent. more consultant psychiatrists, 79 per cent. more clinical psychologists and at least 23 per cent. more mental health nurses than in 1997. Crisis resolution and home treatment teams, and assertive outreach workers and early intervention teams are now helping more people with serious mental illness to manage their condition in the community.

I would also like to place on record my thanks to the carers, whom the hon. Gentleman mentioned in his remarks. The carers strategy, which we published last year, placed extra resources in primary care trust baseline budgets. I have recently met carers' organisations, which are keen to make sure that that money is spent in the community on services such as respite care for those people who are doing such an important and invaluable job in helping to deliver support and care in the community.

The improving access to psychological therapies programme has increased access to talking therapies to more people with lower level mental health needs, again helping to address problems before they escalate. I agree with the hon. Gentleman, and the nurse to whom he referred, that mental health services have changed beyond all recognition. That verdict of improvement has also been reached by the World Health Organisation. It has said that England now has some of the best mental health services in Europe. We want to maintain those high standards and keep mental health services at the forefront of a preventive NHS.

Even with stronger prevention, about one in 10 of those who receive specialist mental health care each year are admitted as in-patients, so the hon. Gentleman is right to say that in-patient facilities remain an important part of the jigsaw of services. He gave an excellent description of the unit that he visited, and I join him in his comments. The hon. Member for New Forest, East (Dr. Lewis) also described excellent work by staff in these units, which are a key part of the mental health landscape. I am committed to continuing to raise standards and to improving the facilities available for in-patients into the future.

The hon. Member for Broxbourne will know that since 2006 the Government have put £130 million into improving those psychiatric in-patient facilities—these PICUs—and acute in-patient wards. He may be interested to learn—he made a specific reference to this—that about £30 million of that money is being used specifically to improve safety for women in-patients. That sits alongside our broader efforts to eliminate mixed-sex accommodation in these facilities and to ensure that every patient's dignity is fully respected.

I am pleased to say that we know that patients think highly of the care that they receive in these units. Earlier this year, a Care Quality Commission survey of more than 7,000 recent in-patients found that nearly three quarters rated their care as good or better. That is a strong vote of confidence in the quality of acute services, but the question that the hon. Gentleman has really raised before the House tonight has been that of capacity: are there are enough in-patient beds to meet demand? I shall now address that key question.

The essential point is that not everyone needs care in a psychiatric bed, even in an emergency. Admitting someone to hospital when they are in crisis is a decision that nobody takes lightly. As the hon. Gentleman knows, a judgment has to be made on whether hospital admission is the only way to get a person the treatment they need at that moment to avoid the risk of harm to themselves or others. I have indicated, as he has done, that there are now strong alternatives to in-patient care, including community mental health teams, new models of practice, more robust care pathways, and supported accommodation or respite care in ordinary settings. I am pleased, as I am sure he is, that we are reducing demand for in-patient psychiatric care. For example, there were some 118,000 episodes of treatment last year for people who would otherwise have been admitted to hospital.

So although the national picture is one of falling mental health bed numbers, occupancy rates—I heard what the hon. Gentleman had to say about those and I understand the point he is making—have remained steady over several years, which indicates provision against demand is on an even keel. I understand, of course, that in a particular locality these decisions, which are a matter for the local primary care trust and health trust providers, are a matter for local balance and local decision making. The balance between in-patient services, intermediate settings and community services is a matter for local determination. That has to be based on those local health organisations' determinations, on the basis of their consideration of what is needed locally and what units are available locally. We have had a debate in Westminster Hall on the particular issues that the hon. Member for New Forest, East mentioned. I know that he has met his local trust representatives, and that the hon. Member for Broxbourne has done the same, to examine in detail the local situation.

Dr. Julian Lewis *rose—*

Phil Hope: I am happy to give way, but I do not have that much time available.

Dr. Lewis: I just say to the Minister that Hampshire county council's health overview and scrutiny committee chairman is as alarmed as I am at the proposal to close the PICU and the intermediate beds in the rehabilitation centre. What can the Minister do if that committee, the local Member and the experts all say that the foundation trust is getting it wrong?

Phil Hope: I do not want to repeat the debate that we had in another Adjournment debate on another occasion. The truth is that these PICU beds are assessed on the local needs by the trust and the clinical leaders of that trust. It must be for local determination to achieve the balance between acute beds, community services and intermediate services. The important thing is that there needs to be spare capacity to cater for acute admissions, as and when they arise—that point was made by the hon. Member for Broxbourne.

The truth is that we are simply getting better at treating people effectively in the community. That is what people say they prefer, and what experts say provides better long-term outcomes for them. This is something to celebrate, not criticise—not that I believe that the hon. Gentleman was doing so.

There will always be people who need to be admitted, so we have to arrive at the right blend of community and in-patient services. I want to counter any impression that might be left that the decline in bed numbers, which we welcome, has meant that some patients were being forced out of in-patient units before they were ready. Let me say this straight off: just as admitting someone is subject to very careful scrutiny, so is discharging them back into the community.

Decisions about discharge are always made on clinical grounds, after full discussion with the patient and taking into account any community support that can be offered. So, decisions are not driven by bed numbers or targets; the safety of the patient is the only concern. However, as the hon. Gentleman has said, the debate is a little more complex than in-patient care versus community-based care. There is not such a clear divide. Community services frequently work hand-in-hand with in-patient units to give patients intensive support after their discharge. The introduction of supervised community treatment in the Mental Health Act 2007 gives clinicians added reassurance that if someone disengages from their treatment or from services, or if their condition deteriorates, they can immediately be recalled and treated as an in-patient.

I believe that the hon. Gentleman has not changed his view from what he said two years ago when we discussed the Mental Health Bill. He said that we needed to care about the welfare of people who are mentally ill—he has repeated that this evening— and about alleviating their troubles and ensuring that they are treated in ways that best meet their needs as ill people and as patients. That was an enlightened view two years ago; he has repeated it this evening and I know that he stands by it.

As community services improve and we can offer more support outside the hospital, then the need for in-patient provision will change. It is only right then to review the size and location of that provision and achieve the right balance between in-patient and community services to meet local needs. That is what is happening in many parts of the country. As we have heard, discussions are under way on what may seem on the surface to be difficult, perhaps controversial, decisions. We need to have a sensible debate, as we have had tonight. We do not want to go backwards or to scare people, but we need to talk openly about the issues.

On the question of mental health services in Hertfordshire, we know that the Hertfordshire Partnership NHS Foundation Trust has over the past six months reduced its average bed occupancy by improving its crisis resolution services. I listened carefully to what the hon. Gentleman said about staffing and the demand for such services, and the trust is now working with commissioners to look at other alternatives to in-patient care, including an acute day treatment unit, crisis beds and host family arrangements. It has assured the strategic health authority that pilots will take place before it reduces any bed numbers—in effect, it will "double run" community and in-patient services until it is confident that no patients will lose out from a reduction in bed numbers.

In conclusion, mental health services must continue to evolve and continue to improve if we want to give more people the best chance of recovery. The sun is setting on the national service framework but we can look forward to an even brighter future for mental health services through a new programme of work called "New Horizons". We are considering more than 1,000 consultation responses on our new mental health strategy, which will deepen our commitment to preventing mental illness and to treating people in the home and in the community as much as possible.

Question put and agreed to.

10.53 pm

House adjourned.

House of Commons

Tuesday 10 November 2009

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

TRANSPORT FOR LONDON (SUPPLEMENTAL TOLL PROVISIONS) BILL [*LORDS*]

Resumption of adjourned debate on Question (3 November),

That so much of the Lords Message [29 October] as relates to the Transport for London (Supplemental Toll Provisions) Bill [*Lords*] be now considered.

Hon. Members: Object.

Oral Answers to Questions

JUSTICE

The Secretary of State was asked—

Prison Site (North Wales)

1. **Mr. David Jones** (Clwyd, West) (Con): What progress has been made on identifying a site for a new prison in north Wales. [298564]

The Minister of State, Ministry of Justice (Maria Eagle): I have just announced a new site search and identified north Wales as one of the site search areas. Officials are working with the Wales Office, the North Wales criminal justice board, the Welsh Assembly Government and local authorities to identify potential sites for a new prison. A shortlist of potential sites will be published in the spring.

Mr. Jones: The owners of the site at Caernarfon that the Ministry rejected were willing to sell it, fully remediated and with a commercially acceptable warranty, for a sum of £10 million. Given that the Ministry studiously refused to enter into any negotiations for the site and did not, so far as I can see, ever conduct any soil tests, how is the Minister able to say with such certainty—she has done so on several occasions—that it did not represent value for taxpayers' money?

Maria Eagle: The Ministry of Justice withdrew its interest in the site to which the hon. Gentleman refers because the due diligence procedures it undertook highlighted reasons why the site did not lend itself to prison development and did not represent value for money. That is why the decision was made. We are searching for suitable further sites, including in north Wales.

Rosie Cooper (West Lancashire) (Lab): Will my hon. Friend the Minister please confirm the Secretary of State's response to me, as reported in the *Hansard*? He said:

> "There will not be a prison in Scarisbrick"

in my constituency.—[*Official Report*, 21 July 2009; Vol. 496, c. 747.]

Maria Eagle *rose—*

Mr. Speaker: Order. I called the hon. Member for West Lancashire (Rosie Cooper) because I thought her question would relate to the proposal for a new prison in north Wales and the identification of a site there, but I am afraid that we cannot discuss locations beyond north Wales.

Hywel Williams (Caernarfon) (PC): One of the great opportunities in establishing a prison in north Wales is to ensure that there are services for prisoners through the medium of Welsh. Can the Minister confirm that, with the greatly expanded numbers in the new prison, there will still be opportunities for specialist services such as psychology for prisoners through the medium of Welsh?

Maria Eagle: One of the reasons why north Wales is an area in which we are searching for a site for a new prison is that at present many prisoners from Wales have to serve their sentences outside their home area, for example in Merseyside. Clearly, if we are able to find a suitable site and build a prison there, that will present us with an opportunity to provide the specialist services the hon. Gentleman's constituents and others who are Welsh speakers require.

Supreme Court (Running Costs)

2. **Mr. Shailesh Vara** (North-West Cambridgeshire) (Con): When he next expects to meet the chief executive of the new Supreme Court to discuss its running costs. [298565]

4. **Angela Watkinson** (Upminster) (Con): When he next expects to meet the chief executive of the new Supreme Court to discuss its running costs. [298567]

12. **James Duddridge** (Rochford and Southend, East) (Con): When he next expects to meet the chief executive of the new Supreme Court to discuss its running costs. [298575]

The Minister of State, Ministry of Justice (Mr. Michael Wills): My right hon. Friend the Justice Secretary will meet the president and chief executive of the Supreme Court on at least an annual basis to discuss both the resourcing and the work of the court. The next such meeting is due in spring 2010.

Mr. Vara: I am grateful to the Minister for those comments. Given that it is widely reported that the decision to set up a Supreme Court was taken by Tony Blair and Lord Falconer over a glass of whisky, and that the annual cost of running the Supreme Court is some £14 million whereas the cost of the previous arrangement was £3 million a year, does the Minister agree that it has proved to be a very expensive glass of whisky?

Mr. Wills: No, I do not agree, and I counsel the hon. Gentleman—and I suspect his colleagues who will follow on shortly—that they must be very careful to ensure that they compare like with like. If I may, I will give the hon. Gentleman a few figures. The figures he quotes are roughly right, but they do not include all the costs incurred in the running of the Appellate Committee of the House of Lords, as they were not included when we looked at the costs of the Supreme Court. Let me just give an example. The costings he has quoted go back to 2002-03, I think. Inflation since then and the costs that cannot be separated out precisely from the running of Parliament, such as those for rent, security, IT, catering, library services, cleaning and non-cash items, amount to about £7 million. So when the hon. Gentleman looks at these figures and genuinely tries to arrive at a like-for-like comparison, he will find there is no significant difference. If I may, I will give him some comparative costs for elsewhere in the world. *[Interruption.]* Well, I will do so, because he is worried about cost efficiency. The costs of running the Supreme Courts in Canada and the United States are £23 million and £53 million respectively.

Angela Watkinson: The Master of the Rolls, Lord Justice Neuberger, has said in relation to the Supreme Court that

> "you muck around with a constitution…at your peril because you do not know what the consequences of any change will be".

Why are the Government still mucking about with the House of Lords and introducing measures to allow Lord Mandelson to return to this place?

Mr. Wills: With all due respect, I think the hon. Lady is confusing the two functions of the House of Lords. Of course she is right to say that we muck around with the constitution at our peril, but we are not mucking around with the constitution, as she so inelegantly puts it. What we are doing is pursuing a fundamental principle of our constitutional arrangements, which go back centuries. That principle is the separation of powers and that is what lies behind the setting up of the Supreme Court. I would have hoped that she would welcome that, instead of criticising it.

Mr. Speaker: Order. May I just say to the Minister that he must not be led astray by the hon. Member for Upminster (Angela Watkinson) into a disquisition that he would not otherwise have authored?

James Duddridge: I am hesitating because I am not sure that I understood what you just said, Mr. Speaker.

When the Minister meets the chief executive to discuss the running costs, will he consider whether it is good for democracy that an individual has to spend £350 just to see the documents at the Supreme Court?

Mr. Wills: Of course I accept your strictures, Mr. Speaker, and I will try very hard not to be led astray by any hon. Member. In return, I ask the hon. Member for Rochford and Southend, East (James Duddridge) not to be led astray by inaccurate press reports. If he would like to take the trouble to ascertain the actual facts, he would be less worried than he appears to be. The actual facts are that there is no change in the current proceedings: there have always been charges for making these documents available in this way. The release of the court record is a formal procedural process; it is not a simple matter of just releasing the documents—it requires vetting and ensuring that no sensitive details are released. That has always been the case, there has always been a charge for it and that will continue to be the case.

I stress that this is not a case that relates to documents that might be accessed by a freedom of information request—it is nothing to do with that. The documents referred to in the newspaper report—the source of the hon. Gentleman's question—are not documents about the running of the Supreme Court. They are formal court records that relate to individual cases before the court.

David Taylor (North-West Leicestershire) (Lab/Co-op): In the six years since its announcement, the projected cost of the Supreme Court has risen from £32 million to £56 million. Included in that are the costs of very lavish carpets designed by Sir Peter Blake, who also designed the Sgt. Pepper's album cover. Could the Minister say whether the then Prime Minister's project, which was gained with a little help from his friends, still represents excellent value?

Mr. Wills: Everyone can have a view about how effectively the money has been spent—we will all have our views on that. Everyone who has seen the building realises that it represents a masterpiece of renovation and is a precious asset to the architectural environment of these particular Houses of Parliament. Its costs, amortised over 30 years, are about £2 million to £3 million a year. My hon. Friend will realise that that is value for money in terms of rent for any other comparable building. What is fundamental to this is the purpose of setting up the Supreme Court, which is to do with the separation of powers. That is a precious constitutional principle and I am surprised that the hon. Gentleman does not welcome it more fully.

Mr. Henry Bellingham (North-West Norfolk) (Con): Does it not concern the Minister a little that a court that sat in a Committee Room upstairs, shared the Palace's facilities at minimal cost and employed six people now employs a staff of 40, including a chief executive on more than £100,000? Will he examine its running costs of £14 million? In particular, will he consider replacing the chief executive with a manager on half that salary? Surely that would be a better way to save money than removing legal aid from vulnerable constituents and closing magistrates courts.

Mr. Wills: I will respect your strictures not to venture down those paths along which the hon. Gentleman has just tempted me, Mr. Speaker. I say to him again—we had an exchange about this last week on the Constitutional Reform and Governance Bill—that he needs to compare the figures like for like. He still is not doing so. I refer him to the answer that I gave to the hon. Member for North-West Cambridgeshire (Mr. Vara) a few moments ago, and I ask them both to compare like for like. We will constantly review this: as I said in my earlier answer, there will be regular meetings—on at least an annual basis—to review the running costs. Of course all public institutions must run in a cost-effective way, and the function of the chief executive is precisely to ensure that this precious new institution that we have established functions in an effective and efficient way. That is what the chief executive is for.

Drug Misuse (Prisons)

3. **Mr. Andrew Robathan** (Blaby) (Con): What recent steps his Department has taken to prevent drug misuse in prisons. [298566]

10. **Richard Ottaway** (Croydon, South) (Con): What recent steps his Department has taken to prevent drug misuse in prisons. [298573]

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): Most offenders have a drug problem when they come into prison. Ensuring that drugs are not available within prison is therefore a major priority for all staff and the system as a whole. All prisoners are subject to mandatory drug testing in prison, and the results indicate a 68 per cent. decrease in drug use in prison since 1996-97. We still have to take further action. Measures recommended in the Blakey review are now being implemented, including body orifice security scanners, tougher controls on mobile telephones in prison and a comprehensive strategy to deal with staff corruption.

Mr. Robathan: In my naivety, I had imagined that prisons were disciplined and ordered places where prison staff and prison officers were able to enforce their authority and prevent drugs from getting in. I am interested in what the Justice Secretary has to say, but what penalties is he instituting for those who smuggle drugs into prison—be they visitors, people outside prison throwing drugs over the walls or staff themselves?

Mr. Straw: There are substantial penalties. One measure that I introduced at the beginning of 1999, when I was Home Secretary, significantly tightened up the checking and vetting of visitors to prisons, who are one of the major sources of the drugs that are smuggled in, and the penalties for such visitors if they transgressed the rules, as well as imposing clear penalties on prisoners who receive drugs or who conspire with visitors in that respect. This is a challenge—there is no question about it—not least because prisoners seek to conceal both drugs and mobile telephones in an obscene way in their body orifices. Detecting the smuggling of drugs and mobile telephones into prison is difficult, and so we have tightened controls and introduced these body orifice scanners.

Richard Ottaway: Clearly, the Secretary of State will have to agree that whatever initiatives he has introduced are not working. Any reasonable person would ask how these drugs [illegible] in in the first place. Will he now instigate a review [illegible] drugs are getting into prisons, and will he consider making searches of visitors and prison staff mandatory?

Mr. Straw: I established a review under Mr. David Blakey, the former chief inspector of constabulary and former chief constable of West Mercia, which was published at the beginning of last year. I commend that review to the hon. Gentleman. As long as there are some drugs in prison that should not be there, none of us should be satisfied about the environment in prison. This is not an issue that I, the Minister of State, my hon. Friend the Member for Liverpool, Garston (Maria Eagle), the managers of the Prison Service or the staff take remotely lightly. It is very serious. The performance of prisons varies, including between similar categories of prison, and we are constantly searching for ways to improve performance, including searches of both staff and visitors—

Richard Ottaway: Mandatory?

Mr. Straw: Whether they are mandatory depends on the prison, the availability of staff and the categorisation of the prisons. I promise the hon. Gentleman that I do not rule out mandatory searching in all circumstances.

Paul Flynn (Newport, West) (Lab): Two years ago, illegal drugs were freely available in every prison in Britain. How many are drug-free now?

Mr. Straw: Generalisation like that belies the fact that it is very difficult to get drugs into prison and that staff do a huge amount of work to ensure that drugs are not there. It is not possible to answer the point that my hon. Friend puts to me, which is essentially a negative, but what I can say is that, as I have told the House, the results of mandatory drug tests show that there has been a 68 per cent. decrease in the use of drugs in prison, which is something for which we should thank the National Offender Management Service.

Mr. Lindsay Hoyle (Chorley) (Lab): First, the problem is that people who are bringing in the drugs are visitors and that we are not effective in punishing those who are carrying the drugs. In fact, if they refuse the search we let them go rather than dealing with the importation of drugs into prisons. Secondly—this point is very important for my right hon. Friend—the reduction in prison officer numbers and the increase in prisoner numbers make it even harder to try to control prisons, such as Garth and Wymott prisons in my constituency.

Mr. Straw: On the latter point, there has been absolutely no reduction in prison officer numbers. Staffing in prisons has increased commensurately with the increase in prison numbers, and spending has risen slightly above the increase in prison numbers.

As for the searching of visitors, the rules are very clear. I have made it absolutely clear to the prison service that I expect those rules, and tough sanctions on visitors, to be followed through.

Alan Duncan (Rutland and Melton) (Con): I know that the Government have done some work on this, but is there not a serious problem in that some offenders go into prison clean of drugs, and then come out addicted? What is the Government's estimate of the number of prisoners who have acquired or intensified their drug habit while in prison?

Mr. Straw: I cannot rule that out as a possibility, but the truth is that the overwhelming number of people who seek drugs and abuse them in prison are addicted to drugs outside prison. An alarming proportion of offenders—apart from, interestingly, sex offenders and the high-end offenders who are drug dealers rather than drug users—are people who abuse drugs. One of the many reasons why we make every effort to control the availability of drugs in prison and to increase the sanctions on their use is so that there can be drug-free environments. However, when I talk to prisoners, time and again they tell me that they have got clean in prison. They say that they have benefited from the medical treatment and the fact that drugs are not available there. They have got clean in prison but their worry, which should be a worry for us all, is about the transition between prison and the community. That is why we are putting a great deal of effort into that transitional process.

Violent Behaviour (Court Cases)

6. **Tony Lloyd** (Manchester, Central) (Lab): What information his Department holds on the length of time between a charge being brought and the start of a trial in cases involving violent behaviour. [298569]

The Parliamentary Under-Secretary of State for Justice (Claire Ward): The Ministry collects and publishes a range of information on the timeliness of cases in the criminal courts, including the quarterly time interval survey for timeliness in the magistrates courts and information on the time from receipt to commencement of cases in the Crown court. The information on magistrates courts is broken down into several offence categories, including violence against the person, while the information on Crown courts does not break down timeliness for cases involving violent behaviour.

Tony Lloyd: Does my hon. Friend agree that, even when things go well, the time between assault and trial can be one of great anxiety for the victim? It could also be one of great danger if there are threats of further violence. In that context, what can she do to impress on everyone—the prosecution service, the police, the courts and defence lawyers—that any delays are intolerable when violence is part of the case?

Claire Ward: My hon. Friend is absolutely right to raise concerns about delays. In fact, we have been working very hard to reduce the amount of delay in cases. There has been a 20 per cent. improvement in the average number of days from charge to completion in magistrates courts, with the period decreasing from 8.8 weeks in 2006-07 to 6.9 weeks in 2008-09. A minority of lawyers might perhaps be abusing their position by stringing matters out and playing the legal aid system, but that is not something that we would support. If my hon. Friend has examples of unacceptable delays by lawyers, police or any authorities, he should make them clear to us and to others.

Antisocial Behaviour (Sentencing)

7. **Derek Twigg** (Halton) (Lab): What his most recent assessment is of the effectiveness of sentencing policy in reducing the level of antisocial behaviour. [298570]

The Parliamentary Under-Secretary of State for Justice (Claire Ward): This is the first Government ever to introduce comprehensive measures to tackle antisocial behaviour. There were none in 1997. The Crime and Disorder Act 1998 imposed duties on local authorities and police to tackle antisocial behaviour, and those duties have been steadily strengthened. The National Audit Office found that nine out of 10 perpetrators ceased their antisocial behaviour after three interventions, in which a range of measures to tackle antisocial behaviour can be used.

Derek Twigg: My hon. Friend will know, because she was there, that my right hon. Friend the Prime Minister came to my constituency last Thursday to see what support is in place for victims of antisocial behaviour and crime. It is key that support is given to those victims, so what more are the Government going to do to support them?

Claire Ward: I was very pleased to visit my hon. Friend's constituency last week with the Prime Minister, and to see what his council is doing in working with all the local agencies and the local police to provide an effective service for victims and witnesses of antisocial behaviour. I was particularly interested in the work done by Andrew, the council's antisocial behaviour officer. The Home Secretary announced a range of new measures last month, including a national take-up campaign for the public, providing more access to information, and better communication for those engaged in tackling antisocial behaviour. Under the new deal for victims and witnesses of antisocial behaviour, 85 areas will receive funding for victims champions. My hon. Friend's constituency is one of those areas, and we will do more to work together with the crime and disorder reduction partnerships to improve local services in targeted areas.

Mr. Speaker: Order. From now on, I really do want to make sharper progress, which means short questions and short answers.

John Mann (Bassetlaw) (Lab): May we please have some lists from the Minister showing which police authorities and which local authorities are using that legislation, and which ones are refusing to?

Claire Ward: I shall be very happy to provide that information to my hon. Friend and to the House.

David Howarth (Cambridge) (LD): One problem is that a lot of what the authorities treat as antisocial behaviour is in reality crime—such as assault, criminal damage and public order offences. Should those offences not be treated as crime, rather than dealt with under a civil procedure?

Claire Ward: Before the introduction of antisocial behaviour orders and, indeed, other measures, such as acceptable behaviour contracts and parenting orders, many of those offences went either unreported or undealt with. As a result of the use of antisocial behaviour orders, many more are being dealt with effectively.

David Howarth: I thank the Minister for that answer, but is not the real point that the effectiveness of sentencing for those offences should be judged according to the type of offence, and not be treated as a rather less important matter, such as antisocial behaviour? Should not the Government look for sentences such as restorative justice, which work against real crime and do not downplay the seriousness of the offence?

Claire Ward: On the contrary, we do not treat those issues as insignificant. In fact, it is precisely because the Government have recognised the important role that antisocial behaviour plays in a community that we have made sure that we tackle it. We introduced ASBOs, and when they are breached somebody may be convicted, with a resultant prison sentence of five years. That shows that we do not take the issue lightly.

Mr. Dominic Grieve (Beaconsfield) (Con): The Minister will agree that one driver of antisocial behaviour is alcohol and, in some cases, hard drugs. However, the average fine for possessing crack cocaine has dropped from £300 to £38 in just three years. Does the Minister accept that that sends out the most extraordinary mixed messages about the importance that the Government attach to the use of hard drugs and misbehaviour resulting from it?

Claire Ward: Obviously, sentencing in those circumstances is a matter for the courts, and we are sending out a strict and tough message about the impact on communities not only of drugs but of all forms of antisocial behaviour. It is this Government who have been strong on that message, and it is the Opposition who have not shown quite so much support.

Mr. Grieve: The Minister's comments are pure bluster. The situation is actually much worse than that. The Director of Public Prosecutions is now reviewing the Government's caution culture. Will the Minister explain how we have a situation in which a 15-year-old boy can be cautioned for rape and a man can be cautioned for glassing a woman in a pub? Is that the hon. Lady's idea of summary justice?

Claire Ward: We have made it absolutely clear that there is a place for out-of-court disposals and for cautions. They are not for serious, violent offences, and that is why my right hon. Friend the Justice Secretary has announced a review of the circumstances in which those out-of-court disposals are used, and whether they are being used appropriately. If they are being used for serious, violent offences, as has been stated over the past few days, that is exactly why we need to review them.

Judges (Breach of Standards)

8. **Mr. Gordon Prentice** (Pendle) (Lab): How many judges have stood down as a result of a breach of standards of conduct in court in the last five years. [298571]

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): Between 2004 and 2009, 95 magistrates, 14 tribunal members and two judges were removed for misconduct. It is not known how many of these cases involved breaches of conduct within a courtroom. In addition, last year five tribunal members, 12 magistrates and two judges resigned during course of conduct proceedings.

Mr. Prentice: I am going to write to my friend on the Front Bench about these statistics and what he has just said. In this age of transparency, is it not a disgrace that he has decided to allow judges no longer to declare whether they are freemasons, as we know that one in 20 of our judges is a freemason? Why on earth the cloak of secrecy?

Mr. Straw: There was no secrecy about my announcement. I made an announcement by way of written ministerial statement last week in the light of a European Court of Human Rights judgment against the state of Italy that was made in 2006 and to which our attention was drawn by the grand lodge of freemasons. The judgment suggested that continuation of a compulsory register, which kind of register does not apply elsewhere within the criminal justice system, was likely to be unlawful. After legal advice, I accepted that. It is open to any judge to declare that they are a freemason. In 1996-97, the Home Affairs Committee, whose recommendations led to the freemasonry register across the criminal justice system, came to no conclusions about any unacceptable behaviour by freemason judges, and there has been no evidence since.

Debt Management

9. **Jessica Morden** (Newport, East) (Lab): What progress has been made in his Department's consultation on debt management schemes; and if he will make a statement. [298572]

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): Helping those in financial difficulties is an important part of our purpose. Of course, that has to be balanced against creditors' right to recover their debts. In September this year, we published the consultation paper "Debt Management Schemes—delivering effective and balanced solutions for debtors and creditors", which seeks views on whether there is a need to intervene further in this sector and, if so, what action should be taken.

Jessica Morden: The consultation is very welcome. Will the Minister listen to the National Association of Citizens Advice Bureaux and look long and hard at how we can tackle the most unscrupulous debt management companies, which often prey on people when they are at their most financially vulnerable by not being clear about the cost of their services up front and by giving inappropriate advice?

Bridget Prentice: My hon. Friend makes an important point. One of the strands of the review is to look at the behaviour of creditors who continue to add interest to debts where there is already a debt management plan. She is right to raise the concerns of NACAB and others, and we will listen carefully to what they say. I hope that she and anyone else in the House who has such examples will bring them forward to us before the review closes on 18 December.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Will my hon. Friend also look at the rates that solicitors and insolvency experts charge the unfortunate small businesses and people who get into debt, then charging exorbitant fees on the pretext of helping them?

Bridget Prentice: Again, I endorse what my hon. Friend says. All those issues will be part of the review, and I hope that it will come up with some solutions and a way forward in the near future.

Criminal Trial Acquittals (Costs)

11. **Tony Baldry** (Banbury) (Con): What his policy is on whether defendants who are acquitted in criminal trials should receive costs. [298574]

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): Defendants who are acquitted in criminal trials should normally receive their reasonable costs from central funds unless the court decides that it is not appropriate to award those costs. Overall, central funds expenditure was £62 million in 2007-08 and £77 million in 2008-09. On current indications, I have no reason to believe that it will not increase during 2009-10.

Tony Baldry: Following that answer, can the Minister assure me that in criminal cases the principle will remain that costs will follow the event, and that if people are found not guilty in criminal cases they will usually be awarded their costs from central funds?

Bridget Prentice: Yes, that is the case, but it is of course up to the court to decide whether the award of costs is appropriate.

Mrs. Eleanor Laing (Epping Forest) (Con): Perhaps the Minister is not aware of a statutory instrument that is coming before the House this afternoon. I understand that the Government are proposing a change in this area of the law to bring in what would effectively be a stealth tax on innocence. Does she appreciate that after the Government's proposals become law, someone who has been accused of a crime, has met their own costs in defending themselves, and is then declared innocent will be required to pay their own costs? If she is now going to confirm that the information that I have about this is mistaken, we would be delighted.

Bridget Prentice: Where the hon. Lady is mistaken is in her understanding of the system. First, it is essential that we target our resources effectively. Secondly, what will be paid from central funds is costs at the same level as legal aid costs. If people wish to pay more than that, that is entirely up them and it is a choice that they make. They will be paid from central funds costs equivalent to legal aid, had they been entitled to it. That is a fair way of distributing funds that are taxpayers' money and that we have to spend effectively.

Prisoner Release

13. **Michael Fabricant** (Lichfield) (Con): How many prisoners have been released early since 1997; and if he will make a statement. [298577]

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): There are two schemes under which prisoners may be released before they have served half their sentence. The latest published figures show that of a total of about 800,000 prisoners who came through the system between 1999 and the end of 2008, some 159,000, or 20 per cent., were released under the home detention curfew scheme. Of about 200,000 prisoners who came through the system from June 2007 until the end of September this year, approximately 70,000 were released under the end of custody licence scheme.

Michael Fabricant: A few months ago Michael Eccles, a young father in my constituency, was murdered. The people who did it were found and sentenced to prison but, under the terms of their sentence, they could be released in just a few years. Can the Secretary of State understand the anger and frustration of the family and friends who feel that justice is not being served by such short sentences?

Mr. Straw: As the hon. Gentleman and all of us do, I share the grief of the family.

If the conviction was for murder, the sentence will have been for life. A minimum tariff will have been set, although I do not know what it was. Home detention curfew and early release from custody under the 18-day provision do not apply to any such serious offenders. Even once they have served their tariff—I would be very surprised if it were not in double figures—they will be released only once they have satisfied the Parole Board that it is safe. I assure the hon. Gentleman that the victim's bereaved family will have a right to appear before the Parole Board.

Mr. Humfrey Malins (Woking) (Con): Six years ago, in the Criminal Justice Act 2003, there were introduced a whole new raft of sentencing provisions in magistrates courts, such as custody plus, custody minus, the 51-week provision and so on. They went on to the statute book, so can the Secretary of State tell us why, six years later, they have not even been implemented?

Mr. Straw: Yes—it is because of resources. We have had to use a very large amount of resources to expand the prison estate, among other things. We have done so dramatically, and it is now up to 84,300-odd places and will get to at least 96,000 in five years' time. We have also spent money on probation, for which resources have increased as the number of offenders coming through the system has. I regret that we have not been able to do everything, but we have done a huge amount. The fact that we have greatly strengthened the correctional system is one of many reasons why this Administration are the first to see crime go down, not up.

Young Reoffenders

14. **Andrew Rosindell** (Romford) (Con): What steps his Department is taking to reduce reoffending rates of young offenders. [298578]

The Minister of State, Ministry of Justice (Maria Eagle): The level of juvenile reoffending is at its lowest since 2000, with the rate having come down by more than a fifth between 2000 and 2007. The £100 million youth crime action plan is on track to cut youth offending further through a combination of tough enforcement against offenders, non-negotiable support to families of offenders and early intervention and prevention for young people at risk of offending.

Andrew Rosindell: With youth unemployment expected to top 1 million later this week, what further measures is the Department taking to ensure that young offenders are given gainful employment so that they do not return to a life of crime?

Maria Eagle: The Government's efforts to ensure that young people have employment and education or training will go a long way towards tackling the hon. Gentleman's concerns.

Rob Marris (Wolverhampton, South-West) (Lab): Several years ago, the amount per capita spent on education in the secure estate for young offenders was considerably below that spent on the average secondary school student, despite the high rates of illiteracy and the lack of job skills among young offenders. Has that situation changed? If not, why not?

Maria Eagle: The amount of money spent on education in both our young offenders estate and the adult prison estate has risen significantly in the intervening years. There is further to go, and more can be done to assist young and adult prisoners to ensure that they acquire the skills and training that will help them live a more honest life when they come out at the end of their sentences.

Mr. David Burrowes (Enfield, Southgate) (Con): Does spending two thirds of the youth justice budget on putting young offenders in custody when two thirds of young offenders come out and commit another offence represent good value for money, or could local authorities with a devolved budget do better?

Maria Eagle: It is for the courts to decide how to sentence those who come before them. The number of young people first entering the criminal justice system is down by 10 per cent. in the past year; reoffending is down by 20 per cent. since 2000; the rate of reoffences classified as serious is down by 20 per cent; the frequency of reoffending is down by a quarter, and the number of offenders who reoffend is down by more than 6.5 per cent. That is a record that the House should applaud.

15. **Mr. Rob Wilson** (Reading, East) (Con): What steps his Department is taking to reduce reoffending rates of young offenders. [298579]

The Minister of State, Ministry of Justice (Maria Eagle): To save time, I refer the hon. Gentleman to the answer I just gave the hon. Member for Romford (Andrew Rosindell).

Mr. Wilson: Reading young offenders institution runs some fantastic programmes, which help to lower reoffending rates. However, I was extremely concerned to learn from a recent parliamentary answer from the Minister that offenders in Reading prison spend less than one hour a day on education and training. Does she agree that formal education and training should not be neglected as part of the overall package?

Maria Eagle: I agree with the hon. Gentleman. Although we have made much progress—increasing the amount of spend on adult education by more than 15 times since the Government came to office—more can be done, and we intend to ensure that we do it.

Multi-agency Protection

18. **Philip Davies** (Shipley) (Con): What assessment he has made of the effectiveness of multi-agency public protection arrangements in the management of serious offenders. [298582]

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): Prison, police and probation services are now required to work together rather than in isolation to assess and manage the risk presented by known offenders in the so-called MAPPA system. In 2008-09, of the 10,924 sexual, violent and other dangerous offenders managed at MAPPA levels 2 and 3, with multi-agency intervention and resources, 48 were charged with a serious further offence. Not least in the light of the Sonnex case, we are constantly making efforts to strengthen the MAPPA system.

Philip Davies: The Secretary of State has met the family of the 10-year-old boy who was abducted and raped by Stephen Ayre in my constituency several years ago. Even though the right hon. Gentleman would not release the internal report into the event and the failings of the Prison Service and the probation service, will he explain what measures the Department is taking to pay compensation to the families of people who suffer from such appalling mismanagement?

Mr. Straw: Compensation is a matter for the courts. There is no—and never has been—statutory responsibility directly on the Government in respect of victims. Very occasionally victims in such circumstances can get compensation, but I am sorry to have to tell the hon. Gentleman, as successive Governments have said, that it is a matter for the courts, and clearly within rather narrowly defined circumstances.

Criminal Trial Acquittals (Costs)

19. **Chloe Smith** (Norwich, North) (Con): Whether he plans to bring forward proposals to ensure that defendants who are acquitted in criminal trials receive costs in all cases. [298583]

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): I congratulate the hon. Lady on her rise to Parliament. I hope that she will attend Justice questions regularly. I refer her to the answer that I gave a short time ago: defendants who are acquitted in criminal trials should normally receive their reasonable costs, unless the court decides otherwise.

Chloe Smith: I listened to the Minister's response to my hon. Friend the Member for Banbury (Tony Baldry), prior to her complimentary remarks, for which I thank her very much. But surely the Criminal Cases (General) (Amendment) Regulations 2009 do indeed prevent an acquitted defendant from recovering their costs?

Bridget Prentice: As I have said, it is essential that we target our resources effectively. Costs are available to defendants in criminal cases in the Crown court where they have been acquitted, but those costs are staged at the level of legal aid costs. In other words, they should get the same as they should get had they been legally aided.

Mr. Dominic Grieve (Beaconsfield) (Con): It is not legally aided.

Bridget Prentice: Of course they are not legally aided—that is the point—but the level of costs that they will get back from the taxpayer from central funds will be the same as if they had been legally aided. That is fair both to them and to legally aided defendants.

Mr. Speaker: Order. I very gently say to the hon. and learned Member for Beaconsfield (Mr. Grieve) that the shadow Justice team, of all shadow teams, should behave in an orderly manner.

Prisoner Transfer Agreements

20. **Mr. Philip Hollobone** (Kettering) (Con): If he will make it his policy to negotiate prisoner transfer agreements with the three countries with the largest foreign prisoner populations in England and Wales. [298584]

The Minister of State, Ministry of Justice (Maria Eagle): It is Government policy to negotiate prisoner transfer agreements, particularly with those countries with large numbers of nationals in our prisons. As of 30 June 2009, the three countries with the largest numbers were Jamaica, Nigeria and the Republic of Ireland. We have prisoner transfer agreements with the Republic of Ireland and Nigeria. A prisoner transfer agreement was signed with Jamaica in June 2007 but has yet to be implemented as the Jamaican Government need to introduce enabling legislation.

Mr. Hollobone: Given that we have a prisoner transfer agreement with Nigeria, will the Minister tell the House how many Nigerians are serving time in jails in England and Wales and why those people are not returned to their country of origin?

Maria Eagle: Currently, the arrangements require the consent of prisoners to be transferred. Nigeria is a signatory, so we can now transfer prisoners voluntarily to serve their sentences at home. We are negotiating a compulsory transfer agreement. Enabling legislation is at the committee stage in the Nigerian National Assembly, so I hope that in due course, in the not-too-distant future, we will be able to transfer prisoners whether or not they agree to the transfer.

Topical Questions

T1. [298590] **Mark Pritchard** (The Wrekin) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): In June, I announced a review of schedule 21 to the Criminal Justice Act 2003 in the light of considerable concern about the starting point for determining the minimum term for murder using a knife, which is currently 15 years. Following this review, which included the necessary consultation, I can now tell the House that I propose to introduce a new adult starting point of 25 years for murder using a knife or other weapon carried to the scene with the intention of use as a weapon. A statutory instrument introducing this change will be laid before Parliament by Christmas and will be subject to debate in both Houses soon after.

Mark Pritchard: In order to protect freedom of speech and safeguard community cohesion, will the Justice Secretary put in place measures that prevent Muslim groups and organisations who condone or encourage violence against Muslims who convert to other religions or leave the Islamic faith—so-called apostates—from receiving public money?

Mr. Straw: Such arrangements ought to be in place currently, and there is very careful analysis by my right hon. Friend the Secretary of State for Communities and Local Government, but if the hon. Gentleman has any examples, I am very happy to follow them up on his behalf.

T4. [298593] **Rob Marris** (Wolverhampton, South-West) (Lab): What is the Government's most recent assessment of the success in ensuring that justice is seen to be done under the community payback and community cash-back schemes, particularly in Wolverhampton and the west midlands?

Mr. Straw: The community payback and community cash-back schemes have, I am pleased to tell my hon. Friend, been very successful. Using the minimum wage as the multiplier, I can tell him that in the west midlands, about £2.5 million-worth of unpaid labour has been carried out, involving many schemes. One of the great things about community payback is that the public can literally see offenders carrying out this work on their behalf, and increasingly they can choose which schemes the offenders should undertake.

T2. [298591] **Miss Anne McIntosh** (Vale of York) (Con): Now that we know that shop theft costs a shocking £5 billion a year and is on the increase, especially among middle class women, will the Justice Secretary please extend the review of out-of-court disposals, which he has just instigated at the request of the Director of Public Prosecutions and the Association of Chief Police Officers, to include the use of penalty notices, which should not be used in cases of persistent shop theft?

Mr. Straw: The review will indeed include penalty notices for disorder. As I have made clear to the hon. Lady—and I commend her campaign on proper compliance and a restriction on the use of PNDs, especially in respect of shop theft—I am as concerned as she is about any circumstances in which penalty notices for disorder are used for repeat offenders. The number of convictions over the last eight years has increased. The introduction of so-called out-of-court disposals is nothing to do with the prison population. Before we introduced the out-of-court disposals, most of these offenders were not dealt with at all by the police, and that was wholly ineffective. I accept that there is a problem, and we must consider it actively.

T5. [298594] **Tony Lloyd** (Manchester, Central) (Lab): On the same theme, will my right hon. Friend's review of police cautions establish the legitimacy of these cautions, because they are a useful part of the criminal justice armoury? Will he also make it clear that the outrageous cases, such as the barmaid who was glassed and raped, can never properly be subject to police caution?

Mr. Straw: I am as surprised and shocked as anybody else by the fact that cautions have been used in indictable-only offences such as rape. Such decisions can be made only by the crown prosecutor—it is a matter for the Director of Public Prosecutions. The review will indeed include that issue. These cautions and other out-of-court disposals were designed for lower level offences that, in the past, were not the subject of any effective police action. In the period in which we have introduced them, the number of convictions has increased significantly.

T3. [298592] **Greg Mulholland** (Leeds, North-West) (LD): A constituent's son was tragically murdered. The mother applied for compensation from the Criminal Injuries Compensation Authority, but was refused—including help with funeral expenses—because he had had convictions in the past that were nothing to do with his murder. Does the Secretary of State agree that it appears that we place a lower value on life when it comes to those who have made a mistake in the past and paid for those crimes?

Mr. Straw: I understand the concern of the hon. Gentleman and the family he is representing, but it has long been accepted, as part of the criminal injuries compensation scheme, that people who are the victims of crime but have themselves been offenders with relatively serious, unspent convictions cannot benefit from compensation which is available, fundamentally, for innocent members of the public.

T6. [298595] **Natascha Engel** (North-East Derbyshire) (Lab): Now that my hon. Friend the Member for Brent, South (Ms Butler) has been made the Parliamentary Secretary, Cabinet Office, with responsibility for youth citizenship, what does that mean for the Youth Citizenship Commission? More importantly, I desperately need to know who to lobby on the issue of reducing the voting age to 16.

Mr. Straw: The appointment of my hon. Friend is very good news. In any event, we are already pursuing the recommendations of the Youth Citizenship Commission. As for votes at 16, opinions differ. This is a free country, and there are free opinions in the Government on this issue. I take a slightly different view on this, and it was striking that in the opinion poll that the YCC conducted only those aged 16 and 17 showed a majority in favour of votes at 16—and it was only a narrow majority—and the other groups favoured 18. This is a debate that will run and run.

T7. [298596] **Ann Winterton** (Congleton) (Con): Mr. Speaker, you will be horrified to learn that last year up to 40,000 assault cases were dealt with only by a caution, in spite of official guidance stating that they should be used only for low-level offending. Will the Justice Secretary tell the Crown prosecutor that such abuse of the system should be ended forthwith, and that cautions for assault cases are totally inappropriate?

Mr. Straw: I have, indeed, just said that. I point out to the hon. Lady, however, that violence against the person as a category includes, at the one end, grievous bodily harm, which is very serious, and, at the other end, common assault, which until 1998 was regarded by the party of the previous Administration as not important enough to be a recorded offence. In my view, we need graded advice that clearly distinguishes on the one hand between common assault—it might literally be just a tap—and grievous bodily harm and actual bodily harm on the other hand.

T8. [298597] **John Mann** (Bassetlaw) (Lab): The graveyards of Britain are still littered with inappropriate and unsafe stakes. Will the Minister consider giving another significant kick to the cemetery authorities that have failed in their duty to remove the stakes?

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): I will take great pleasure in giving that kick to those authorities. My hon. Friend has campaigned long and hard on that issue, and he is absolutely right. We have sent out guidance on at least two occasions, and if necessary we will do so again and hope that, this time, they pay some attention.

T9. [298598] **Bob Russell** (Colchester) (LD): Although the number of deaths on our roads is at its lowest since records began, every life lost is one too many. The grief of families, however, is made worse when frequently they do not know what has happened to the driver of the vehicle in which their loved-one died. Does the Secretary of State agree that it is necessary for sentencing in all court cases in which a life has been lost, irrespective of the charge or whether the person has pleaded guilty, to be done at the Crown court?

Mr. Straw: I cannot say that, because it would raise bigger issues. However, I agree entirely with the hon. Gentleman that bereaved victims in such circumstances have every right to know the outcome of the case. There should be a duty on the prosecutors and police, with help from Victim Support, to see that they do.

Emily Thornberry (Islington, South and Finsbury) (Lab): Since Ben's death, Debbie and George Kinsella have been campaigning for an increase in sentences for those guilty of knife crime. I know that my right hon. Friend has had meetings with the family, and with their priest, Father Jim Kennedy. On their behalf, and that of the people of Islington, I thank my right hon. Friend for his statement today.

Mr. Straw: I am grateful to my hon. Friend. I know how hard she has sought to represent the bereaved Kinsella family and the community. As I explained to the House in my statement, schedule 21 of the Criminal Justice Act 2003 provides for a minimum starting-point tariff of 15 years for adults. In the light of the Kinsella murder and the sentences, understandable concern was raised about the fact that the starting point was too low for knife murders involving people who have gone out with a knife with the intention of committing a serious crime. I am glad to say that, in the light of the review, I propose to raise the tariff to 25 years. I am afraid that nothing can undo the loss suffered by the Kinsella family, but it does at least show—I hope—respect for them and the community that it has been possible to respond as we have.

Mike Penning (Hemel Hempstead) (Con): What prisoner exchange relationships do we have with Venezuela? I have an 18-year-old constituent awaiting trial there. His mental age is below 18, and we are worried about whether he is going to get a fair trial. If he is convicted, is there any mechanism to bring him back to the UK, so that he can finish his sentence here?

Mr. Straw: I apologise to the hon. Gentleman, because I cannot answer his question directly without notice. However, I will follow it up, including with my right hon. Friend the Foreign Secretary. There are normally arrangements with almost all countries for prisoner transfer. Under long-standing arrangements that pre-date this Government, those arrangements require the consent of the sentencing state, receiving state and, usually, the prisoner—although we are trying to change that. However, I shall write to him with advice on that.

Rosie Cooper (West Lancashire) (Lab): Will the Secretary of State please reaffirm what he said in his answer to me on 21 July, which is that there will be no prison—neither a Titan prison nor any other size of prison—in Scarisbrick? Will he also confirm that in writing for the benefit of Tory councillors—colleagues of Opposition Members—who seem not to be able to believe in the record according to *Hansard*?

Mr. Straw: There will not be a prison at Scarisbrick, Titan or otherwise, and I will write to my hon. Friend about that.

Simon Hughes (North Southwark and Bermondsey) (LD): I have a constituent who has been released on life licence and has been homeless for six years. Can Ministers reassure me that there is proper co-ordination between their Department and the Department for Communities and Local Government, so that housing previous offenders is seen as a social priority for everybody?

The Minister of State, Ministry of Justice (Maria Eagle): I can give the hon. Gentleman that assurance. Housing previous offenders is one of the pathways to reducing reoffending that we are taking action to deal with. That is not to say that every prisoner who comes out will find settled and secured housing, as that case illustrates, but 86 per cent. do.

Mr. Gordon Prentice (Pendle) (Lab): Derry Irvine has spoken out for the first time about the abolition of the ancient office of Lord Chancellor and how it was done without consultation or proper appreciation of the consequences. Would the latest Lord Chancellor challenge Lord Irvine's account in any way?

Mr. Straw: I am living proof that the office has not been abolished. As for challenging Lord Irvine's account, I was abroad at the time.

Christopher Fraser (South-West Norfolk) (Con): The Ministry of Justice is spending £4 million installing vending machines in prisons to allow prisoners access to methadone, through the iris or fingerprint system. Why are the Government spending more on prisoners' drug habits than on abstinence-based rehabilitation?

Mr. Straw: May I say to the hon. Gentleman—*[Interruption.]* Sorry, but he is obscured by the corporeal presence of his hon. Friend the Member for South Staffordshire (Sir Patrick Cormack), just in front of him. I invite the hon. Gentleman to come to prison and see those dispensers, which are part of ensuring the tight control of drugs in prison. There are some addicted prisoners for whom medical practitioners have determined that methadone—not heroin but methadone, which is a recognised and acceptable substitute—should be prescribed, in order to control and cut down their addiction. The idea of the dispensing machines is to provide absolute certainty about who receives the methadone. As I have witnessed, the prisoner's identity is checked at the point at which the drug is dispensed and he or she has to consume it in the presence of two prison officers and a nurse.

Speaker's Statement

3.33 pm

Mr. Speaker: I wish to make a statement about the two minutes' silence. As the House will know, tomorrow is Remembrance day and, exceptionally, the House will sit at 2.30 pm. At 11 am, right hon. and hon. Members, their staff and officials in the House will be attending to their duties. I regard it as appropriate that we should join the nation in observing the two minutes' silence at 11 o'clock, so that we might remember those who gave their lives for their country and to help preserve our democratic freedoms. I should be grateful if those responsible for chairing Committees at that time would make appropriate arrangements. Instructions will also be issued to heads of House Departments, so that those members of staff who wish to observe the two minutes' silence will be enabled to do so.

Point of Order

3.34 pm

Mr. Dominic Grieve (Beaconsfield) (Con): On a point of order, Mr. Speaker. I noted that in answer to the hon. Member for Islington, South and Finsbury (Emily Thornberry), the Justice Secretary seemed to make a statement about sentencing in knife crime. I was not aware of any written or oral statement having been made, so I wondered whether that was a novel way of making such a statement.

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw) *rose—*

Mr. Speaker: I am very happy to take any rejoinder to that point of order from the right hon. Gentleman first. I will reserve my thunder until I have heard what the Secretary of State has to say.

Mr. Straw: With great respect to the hon. and learned Member for Beaconsfield (Mr. Grieve), it is part of the arrangements for topical questions that a statement can be made on a matter of departmental business. After all, the question that is put to the Secretary of State at the beginning of topical questions asks whether he will make a statement about his departmental business. I wished to show respect to the House, to ensure that the House was the first to hear of this announcement and to assure hon. Members that there had been no briefing about it, and the House was indeed the first to hear of it. I therefore thought it appropriate to make this announcement to the House in a short oral statement of a kind that is for the convenience of the House as a whole.

Mr. Grieve *rose—*

Mr. Speaker: I am grateful to the Secretary of State. I will allow the hon. and learned Member for Beaconsfield (Mr. Grieve), who was on the edge of his seat a moment ago, to raise a further point of order if he so wishes. I know that he will not seek to prolong the debate; he would not do that.

Mr. Grieve: Further to that point of order, Mr. Speaker. I am grateful for the Secretary of State's explanation, but is not the purpose of making an oral statement to give hon. Members the opportunity to ask questions about it? The reality of these circumstances, however, makes that practice impossible, particularly as those on the Front Bench have asked their questions earlier. I would be grateful for your guidance on this, Mr. Speaker, for the future if not for today.

Mr. Straw *rose—*

Mr. Speaker: I do not think that we need to hear from the Secretary of State. It is always a pleasure to hear his mellifluous tones, but I do not think that we need to do so again at this point. The hon. and learned Member for Beaconsfield has raised an important point, upon which I am happy to reflect. He is a very fair-minded Member of the House, and he will know that I regard as being of the utmost importance proper conduct by Members on the Treasury Bench, and as pre-eminent the rights of

[Mr. Speaker]

Back-Bench Members. That has always been my approach, and it will continue to be. In that spirit, I will reflect on what the hon. and learned Gentleman has said.

Sir Nicholas Winterton (Macclesfield) (Con) *rose—*

Mr. Speaker: I call Sir Nicholas Winterton. I trust that he will be very brief.

Sir Nicholas Winterton: Further to that point of order, Mr. Speaker. I will be very brief. Would it not have been appropriate and courteous for the Secretary of State to have given the shadow spokesman notice that he intended to raise this matter in his opening answer at the beginning of topical questions?

Mr. Speaker: Unfortunately, I am afraid that that point of order adds nothing. I have already given a ruling; the position is clear. I have indicated to the hon. and learned Member for Beaconsfield my intention to reflect on the matter, and additional points of order that add nothing are unhelpful.

BILL PRESENTED

LOCAL PLANNING AUTHORITIES (PROTECTION OF LOCAL SERVICES) BILL

Presentation and First Reading (Standing Order No. 57)

Greg Mulholland, supported by Mr. Eric Illsley and Peter Bottomley, presented a Bill to make provision for local planning authorities to require planning permission prior to the demolition or change of use of any or all premises or land used or most recently used as a local service; and for connected purposes.

Bill read the First time; to be read a Second time on Thursday 12 November, and to be printed (Bill 163).

Queen's Diamond Jubilee

Motion for leave to introduce a Bill (Standing Order No. 23)

3.37 pm

Andrew Rosindell (Romford) (Con): I beg to move,

> That leave be given to bring in a Bill to make provision for a national public holiday marking the Queen's diamond jubilee in 2012 and to establish a framework to ensure that the United Kingdom, its overseas territories and Crown dependencies appropriately commemorate this occasion; and for connected purposes.

On 6 February 1952, following the passing of His Majesty King George VI, Princess Elizabeth became Queen Elizabeth II. That was nearly 58 years ago, so today, our nation can begin to look ahead to 2012—the year in which, God willing, we will be able to celebrate Her Majesty's 60th year as Queen and the diamond jubilee of her reign. Of course, 2012 is already the year in which the eyes of every nation and billions of people across the globe will be watching Britain, as we stage the Olympic games here in London. It will undoubtedly be a year in which to celebrate great sporting achievements, but we in these islands will have an ever greater achievement to celebrate as another page in the history of our nation is reached. The 60th anniversary of Queen Elizabeth II's accession to the throne will be a momentous occasion, making Her Majesty the second longest reigning monarch, not only since the Union of the Crowns in 1603, but ever to reign over any part of the British isles.

Over the past decades, Her Majesty has witnessed many historic changes throughout her realms and across the world. Under her watchful eye, we have witnessed the evolution of the British empire into the Commonwealth of nations; the cold war, the collapse of communism and the fall of the Berlin wall; the liberation of the Falkland Islands and the handing over of Hong Kong to China. Her Majesty has reigned during times of enormous social and economic change in Britain, with 12 Prime Ministers holding office and 14 general elections—with another one expected—taking place during her long, eventful and distinguished reign. Throughout all those years, the one reassuring constant has been the sovereign herself. Queen Elizabeth II has been a firm hand on the tiller of our nation; Her Majesty has been a shining beacon to nations around the world as to how a modern constitutional monarchy should conduct itself. No other monarch could have propelled this country to such great success, and the Queen is rightly beloved by all her people.

The Queen's diamond jubilee should be an opportunity for everyone to celebrate this great milestone in the history of our island people, whether they reside in England, Scotland, Northern Ireland or Wales, our Crown dependencies, overseas territories or expatriate communities scattered across the globe. Indeed, Her Majesty is not only our sovereign, but also reigns over many millions of people throughout her realms—of Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Canada; Grenada; Jamaica; New Zealand; Papua New Guinea; Saint Kitts and Nevis; Saint Lucia; Saint Vincent and the Grenadines; the Solomon Islands and Tuvalu. The people of those nations, too, should be given the opportunity to celebrate this glorious and historic occasion, for it is as much their celebration as it is ours.

I ask hon. Members to cast their minds back to the last occasion we had cause to celebrate our royal heritage, when the Queen celebrated her golden jubilee in 2002. In the run-up to the celebrations, we were told that it would be a low-key affair, with the public neither interested nor wanting a large celebration. How wrong they were! The events of that summer surpassed everyone's expectations. That spirit of pageantry that was so evocative of the silver jubilee of 25 years earlier was wonderfully recaptured with more than 1 million people lining the Mall to cheer Her Majesty.

During the weekend of 1 to 4 June 2002, the Queen hosted a concert in the gardens of Buckingham palace—the largest event ever organised on the premises, with the BBC symphony orchestra and chorus leading a stirring musical performance. The royal family attended services of thanksgiving across the country and church bells rang out across the land to mark the national celebrations. Street parties took place in roads up and down the land, mirroring and surpassing the scale of those of the silver jubilee in 1977. A further concert was held at Buckingham palace featuring pop music over the previous 50 years. The Queen lit the national beacon at the Victoria memorial, which was the last in a string of beacons to be lit throughout the world, echoing Queen Victoria's own golden jubilee in 1887.

The double bank holiday weekend culminated with the Queen and the Duke of Edinburgh riding in the golden state coach, accompanied by the entire royal family attending a national service of thanksgiving at St. Paul's cathedral, together with a magnificent military procession and a jubilee festival featuring singers and musicians performing alongside the numerous decorated floats processing along the Mall, illustrating British life throughout the years of her reign.

At the end of the festival, 5,000 adults and children from the Commonwealth nations marched along the Mall in national dress and presented a "rainbow of wishes" to Her Majesty, after which the Queen and Prince Philip greeted crowds from the palace balcony, before the magnificent spectacle of a fly-past by the Royal Air Force, the Red Arrows and Concorde. The events of that glorious weekend served to highlight the huge amount of support and affection that the Queen commands throughout the nation.

The great success of the golden jubilee means that we must strive to make the diamond jubilee an even greater celebration; and so, in 2012, let there be pomp and pageantry, together with grass-roots initiatives throughout the length and breadth of these islands. Let there be opportunities for people to celebrate in the ways that they think most appropriate to their families and communities, whether it be through street parties, voluntary groups, churches, schools, local authorities or businesses, or just gatherings of friends and loved ones in private homes. There must also be a dedicated weekend put aside for these events, with dedicated bank holidays, so that everyone can take part and enjoy the festivities.

This, Mr. Speaker, could be crowned by a huge international parade in which all Her Majesty's realms and territories would be invited to demonstrate their pride through the streets of London. The parade should begin with a military procession encompassing every regiment and uniformed service, from the Coldstream Guards, the Royal Highland Fusiliers, the Welsh Guards and the Royal Irish Regiment to the Royal Canadian Mounted Police, the Royal New Zealand Infantry Regiment, the Royal Australian Regiment and the Royal Gibraltar Regiment, and many more besides. All would have their part to play in this great and historic celebration of the Queen's 60-year reign.

The parade should be followed by a carnival of people, animals, marching bands, vehicles and floats, featuring men and women of all ages, religions and races from each of our historic counties and great cities, to reflect the rich and diverse nature of the Kingdom, together with each and every one of Her Majesty's realms and dependencies from Jersey to Jamaica, Bermuda to Belize, the Cook Islands to the Cayman Islands, St. Helena to St. Lucia, Alderney to Akrotiri and the Isle of Man to Norfolk Island. Let all the peoples who remain loyal to the Crown join these historic celebrations!

My aim today in bringing this Bill to Parliament is to draw attention to a highly significant event. Although 2012 is still over two years away, I believe that if the diamond jubilee is to pass off spectacularly, we need to begin fostering ideas and support today. It is only right and proper that, in the year of the 60th anniversary of Her Majesty's reign, we should celebrate that, and demonstrate our heartfelt thanks and steadfast loyalty.

Question put and agreed to.

Ordered,

That Andrew Rosindell, Mr. Simon Burns, Mr. Lindsay Hoyle, Daniel Kawczynski, Mr. Angus MacNeil, Mr. Owen Paterson, Mrs. Iris Robinson, Bob Russell, Chloe Smith, Geraldine Smith, Dr. Richard Taylor and Angela Watkinson present the Bill.

Andrew Rosindell accordingly presented the Bill.

Bill read the First time; to be read a Second time tomorrow and to be printed (Bill 164).

WELFARE REFORM BILL (PROGRAMME) (NO. 2)

Motion made, and Question put forthwith (Standing Order No. 83A(7)).

That the following provisions shall apply to the Welfare Reform Bill for the purpose of supplementing the Order of 27 January 2009 (Welfare Reform Bill (Programme)):

Consideration of Lords Amendments

1. Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion three hours after their commencement at this day's sitting.

2. The Lords Amendments shall be considered in the following order, namely Lords Amendment No. 2, remaining Lords Amendments.

Subsequent stages

3. Any further Message from the Lords may be considered forthwith without any Question being put.

4. The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—*(Helen Jones.)*

Question agreed to.

Welfare Reform Bill

Consideration of Lords amendments

Mr. Speaker: I draw the attention of the House to the fact that financial privilege is involved in Lords amendments 11, 12, 19 to 21, 23, 25, 30, 31, 38, 44 and 48. If the House agrees to any of those amendments, I shall ensure that the appropriate entry is made in the *Journal.*

Clause 2

WORK-RELATED ACTIVITY: INCOME SUPPORT CLAIMANTS AND PARTNERS OF CLAIMANTS

3.50 pm

The Minister for Employment and Welfare Reform (Jim Knight): I beg to move, That this House disagrees with Lords amendment 2.

Mr. Speaker: With this it will be convenient to discuss the following: Government amendment (a) in lieu, and consequential Government amendment (b).

Lords amendments 3 to 12, 15, 25 to 27, 53 to 59, 78, 90, 91 and 94.

Jim Knight: I thank my predecessor, my right hon. Friend the Member for Harrow, East (Mr. McNulty), from whom I have inherited the Bill, my noble Friend Lord McKenzie of Luton, for his excellent stewardship of the Bill through the other place, and Members of both Houses for their scrutiny of the Bill, as I now seek to guide its journey to a safe conclusion this week.

In disagreeing with the Lords amendment, I shall also speak to our amendment (a) in lieu and the other Lords amendments in this group with which we agree. It will help the House if I give some brief background. The House will be aware that our policies for lone parents are based on the idea of family-friendly working. We rely on two key principles—that work is the best route out of poverty, and that parents, especially lone parents, must be allowed to fulfil their responsibilities to their children.

On the former point, we are mindful that the longer people are out of work, the more difficult it is to get a job. It is therefore vital that support be provided early, to help address the barriers to work. That is what we mean by work-related activity. We do not mean work; lone parents will not be required to take up employment until their youngest child is seven. We mean training, CV writing, help with literacy and numeracy and financial advice—overcoming a range of obstacles that often hold people back from helping themselves. Indeed, we mean the range of support offered so successfully in the new deal for lone parents, which has got 625,000 lone parents into work in the last 11 years. But it is equally important that this support must be convenient. It must come second to the welfare of the child, and depend on locally available affordable childcare. It must also allow time to drop off and pick up children from school and nursery.

Foremost in the amendments is the requirement that the well-being of a customer's child is always taken into account when a personal adviser and a parent agree the steps that they will take to prepare for, or move into, work when completing an action plan or, for lone parents with older children, a jobseeker's agreement. Here we apply a definition of well-being found elsewhere in legislation that takes into account a child's physical and mental health and emotional well-being; protection from harm and neglect; education, training and recreation; the contribution made by them to society; and their social and economic well-being. These are covered in amendments 8, 27 and 54.

There has been much debate on good cause, and what is considered to be good cause for failing to undertake a work-related activity. As a result we have taken the opportunity to outline in primary legislation some of the most important things that should always be considered when deciding on good cause for failing to undertake work-related activity. Claimants of income replacement benefits will not be directed to undertake medical or surgical treatment to meet their work-related activity requirements. However, the amendments permit such customers to undertake such activity on a voluntary basis with informed consent. We feel that that is important, especially where an individual has a health condition that is in itself a barrier to returning to work. As a result, we believe that they should receive, on a voluntary basis, the appropriate help and support to make a return to work possible, such as counselling or physiotherapy if that is something they and their adviser agree on.

To ensure that customers are not penalised if they change their minds about the decision, we would allow them to fulfil their requirement to undertake work-related activity by completing another activity on their action plan. This change is covered by Lords amendments 9, 15 and 58.

Also, after listening to the views of both Houses, we have decided to introduce amendments to make it clear that good cause considerations must take into account the availability of childcare. In practice this already happens, but we want to put that principle beyond doubt and ensure that it is protected for the future. This is covered by Lords amendments 10, 26 and 78.

Mrs. Anne McGuire (Stirling) (Lab): Will my right hon. Friend clarify the situation in Scotland, where the Government do not have the administrative responsibility for the provision of childcare? Will there be full co-operation with the Scottish Government, who may or may not be able to replicate the child care coverage that exists in other parts of the UK, and will that be taken into consideration so that lone parents in Scotland will be treated in an even-handed and equal way in comparison with those in the rest of the UK?

Jim Knight: I can certainly give my right hon. Friend that reassurance. She and other colleagues from Scotland and Wales have been assiduous in raising these concerns to ensure that the legislation does not disadvantage lone parents in those parts of the country. Indeed, I have had conversations with Ministers in Wales, Scotland and Northern Ireland about the concerns about child care arrangements being different. That is one of the important reasons for introducing those three amendments. I hope that reassures my right hon. Friend.

We have also introduced amendments to define the policy boundaries for lone parents and to build on previous flexibilities that take into account their caring responsibilities for their children. The amendments would set out clearly in the Bill that only lone parents on income-replacement benefits who have a youngest child aged between three and six will be required to undertake work-related activity. They put in primary legislation our intention that lone parents whose youngest child is under three will not be required to undertake any work-related activity.

The amendments also place in primary legislation an assurance that lone parents whose youngest child is under seven will not be required to meet the full job-seeking conditions for jobseeker's allowance, but instead will be able to claim income support, or modified jobseeker's allowance, until their youngest child is seven. They remove the requirement for lone parents whose youngest child is under one and who are in receipt of an income-replacement benefit to attend work-focused interviews. They also introduce flexibilities to allow lone parents with children between three and six who are required to undertake work-related activity to restrict the hours in which they do so.

It is intended that this flexibility will be used to allow lone parents of children up to the age of 12 to restrict their hours of availability so that they fit around their children's schooling or formal child care, or around hours in which locally provided, free, part-time nursery places are available. These measures are provided by Lords amendments 3, 4, 5, 6, 7, 11, 12, 53, 55, 56, 57, 59, 90, 91 and 94.

We have also introduced an amendment that enables the job-seeking requirements for jobseeker's allowance recipients who have been the victims of domestic violence to be temporarily suspended for 13 weeks. Under this amendment, they will not be required to enter into a jobseeker's agreement if one is not already in place, and they will not be required to be available for work or actively to seek work during this difficult time. That is covered in Lords amendment 25. I hope that the House will agree that the package of amendments we have introduced means that parents, especially lone parents, will have the flexibility to balance the activities that they will be required to undertake with their unique family circumstances.

We are also introducing a new, more sensitive, sanctions regime.

Lynne Jones (Birmingham, Selly Oak) (Lab): Will my right hon. Friend give way?

Jim Knight: I will happily give way before setting out, at a little length, the new sanctions regime.

Lynne Jones: I recently wrote to my right hon. Friend about a constituent of mine who is a lone parent with five children, three of whom have conditions including autism, attention deficit hyperactivity disorder, Asperger's and Tourette's. She is a carer—and indeed, she has a carer for herself, who is one of her children. As a carer, she is not required to attend work preparation, but she is required to attend six-monthly work-focused interviews. I have inquired of Jobcentre Plus, and an action plan has never been produced for her because it is clear that while she has responsibility for the children, she will never be able to work. The six-monthly visits to her Jobcentre Plus are, however, extremely onerous for her. I have asked whether some flexibility might be given to the jobcentre so that it could have the discretion to waive that requirement.

Mr. Speaker: I think that no detail has been omitted from that intervention, and I hope that subsequent interventions will be shorter, rather than longer.

Jim Knight: I am grateful that my hon. Friend the Member for Birmingham, Selly Oak (Lynne Jones) has written to me setting out those details at even greater length than in her excellent intervention. I will need to reflect on this. In preparing a White Paper that will be published in the next few weeks, we have been examining the issue of flexibility, and the extent to which we can flex the regime so that it can be more tailored to the personal circumstances of customers on jobseeker's allowance, employment and support allowance and other benefits. In the change we have made for lone parents whose youngest child is under one, we have made it clear that there is no merit in requiring such lone parents to come in for a work-focused interview if no meaningful action follows from that. I am advised that if my hon. Friend's constituent gets carer's allowance, she is exempt from the conditionality. I clearly need to look at the details of the case and get back to my hon. Friend with a proper response.

4 pm

I was about to set out the new sanctions regime. Our new regime will allow for more up-front, in-depth engagement with lone parents, and there are a number of stages before a financial sanction will even be considered. We know that sometimes extenuating circumstances, such as a domestic emergency or a sick child, will mean that lone parents are unable to keep their usual commitments. Therefore, all lone parents will be given a further chance to comply before any action is taken. If a lone parent fails to take part in a work-focused interview, or undertake or complete work-related activity, without good cause, there will not initially be a sanction. Instead the adviser will discuss any issues that the lone parent may have and give them another opportunity to engage. Only if the lone parent fails to engage again without good cause will further action be considered.

If a lone parent misses two work-focused interviews and attempts to make contact fail, a formal written warning will be sent. Similarly, lone parents who have failed to carry out the minimum agreed work-related activity in their action plan over three months will be given an opportunity to explain any good cause, renegotiate the action plan or begin the work-related activity. If they fail or refuse to do so, a formal written warning will be sent.

After three missed interviews or three failures to take up agreed work-related activity, an individual case review will be done. That involves a senior adviser or manager undertaking an in-depth review of the lone parent's circumstances and the reasons for failure to comply. That could include home visits for parents. Only after this stage, once a lone parent has failed to comply on the fourth occasion, will a financial sanction be considered, with initial sanctions at a significantly lower level than those currently applied.

This model will provide lone parents with more opportunities to comply with the requirements and will ensure that they cannot face a financial penalty before a full review of their circumstances has been carried out. As now, lone parents will, of course, have the opportunity to ask for the sanction decision to be reconsidered and/or to appeal the decision. We believe that overall, this approach will provide lone parents with every opportunity to engage with work-related activity, will lead to fewer financial sanctions but will provide the necessary backstops to ensure engagement and progression. If, after this process, someone still fails to comply without good cause, a sanction will be considered. However, as now, lone parents will have the opportunity to ask for the sanction decision to be reconsidered or to appeal.

Steve Webb (Northavon) (LD): The Minister started by setting out all the positive things that the Government are going to do to engage, and all the support that lone parents are going to get. However, these proposals are, in essence, about the stick; they are not about the carrot. They are about saying what punishment will be meted out to a lone parent with a three or four-year-old child if they do not do what the Government want them to do. Is it the Government's view that lone parents with children of that age are simply too stupid to see the good that this engagement will do for them, and so need to be threatened to persuade them to take it up? If it was all so good and so positive for them, why would they not take it up anyway? Why do we need a threat to make them do that?

Jim Knight: The hon. Gentleman is right to say that I have set out a range of positive measures that we are putting in the Bill. He talks in terms of "sticks" and "carrots". As he knows, it is normal in social security legislation to put the sticks in primary legislation and leave the carrots in secondary legislation and in other action. What is unusual is that we are putting the carrots—to use his language—in primary legislation, in the Bill.

Let us consider the substance of what the hon. Gentleman is asking about, and our disagreement with the Lords, which I was about to discuss. I believe, as I did when I took the legislation to raise the education participation age through Parliament, that there are circumstances in which one wants to make it more uncomfortable for people to do the wrong thing and more comfortable for them to do the right thing. As I shall go on to say, I think that in the case of some parents, it is in the interests of those individuals, of their children—in terms of tackling child poverty—and of the country as a whole, if they are actively encouraged to receive the help and support that will come about as a result of the conditionality that we want to introduce.

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): My right hon. Friend talks about making things uncomfortable for people who will not do the right thing. Do not most Members find that the real problem is that it is the children of that mother who are made uncomfortable? However feckless or undeserving the mother is in his terms, it is the children who will suffer when he imposes his financial sanctions.

Jim Knight: Naturally, I listened carefully to my hon. Friend and I hope that she also listened carefully to what I set out. My starting point was the change that we made to the legislation in the Lords that ensures that the well-being of the child comes first. Any notion that children will suffer is dealt with through that amendment, which is now on the face of the Bill. In respect of financial sanctions, as I have set out, we now have a much longer and deeper process to go through to consider the personal circumstances of the individual. Only if an individual was wilfully ignoring the sanctions regime and the opportunities available to them would any financial sanction come into play.

John Mason (Glasgow, East) (SNP): The Minister mentioned child poverty immediately before he took that intervention. Does he accept that the fact that a parent has gone into work does not automatically mean that the child is not in poverty any more?

Jim Knight: In many ways, that misses the point. We are talking about work-related activity, not work. There is no requirement for parents whose youngest children are under the age of seven to take up employment. We are talking about work-related activities and receiving support such as that which lone parents receive in the new deal for lone parents. I do not know what the hon. Gentleman's party's position is on that, although I know that the official Opposition want to get rid of it.

Lords amendment 2 amends the Bill so that financial sanctions could not be imposed upon a "single" parent in receipt of income support with a child under five if they failed to undertake work-related activity. The amendment would not achieve the purpose that I believe it was intended to achieve. "Single" is not defined in social security legislation, so there is a risk that it could be interpreted to mean a non-resident parent, rather than the lone parent who has caring responsibility for the child. We must therefore amend the Bill today or risk an absent parent using the measure as an excuse to avoid getting back to work.

Nevertheless, to set that drafting error to one side, in both Houses there has been vigorous debate—we hear some echoes of it now—about when, based on the age of the youngest child, we should start requiring lone parents to undertake work-related activity. Based on those debates, and on the changes we have made to put the safeguards that I have described on the face of the Bill, we still believe that starting the process when a lone parent's youngest child is aged three is right, not only because there is normally a strong foundation of child care provision available for children in this age range, but because it will allow them gradually to build their confidence and skills at a pace that suits them over four years, rather than being expected to cram in the work-related activity that they need to undertake when their youngest child is five to six.

Some 76 per cent. of non-working lone parents use the free child care offered for three and four-year-olds that was developed by this Government. Most schools now have reception classes for four-year-olds. Surely it is reasonable to ask parents to use a fraction of that time to start to get ready for work? For example, 74 per cent. of non-working lone parents do not hold any qualifications. Three quarters use the free child care; three quarters have no qualifications. Why would not we ask them to take up the offer of free education to get a basic literacy and numeracy qualification in some of the time when their children are receiving an early years education?

The Conservatives, according to what their leader said today, think that

> "the first step is to redistribute power and control form the central state and its agencies to individuals and local communities. That way we can create the opportunity for people to take responsibility."

If that is what they truly believe—if this is to be a new fresh start for the Tories on poverty—they have to support the Government amendment today. Work-related activity for lone parents of children aged three to five is precisely what the right hon. Member for Witney (Mr. Cameron) is talking about; it is creating

"the opportunity for people to take responsibility."

Mr. James Clappison (Hertsmere) (Con) *rose—*

Jim Knight: I challenge the hon. Member for Hertsmere (Mr. Clappison), as he rises to intervene, to say that he will agree with us and be consistent with the approach of his party leader.

Mr. Clappison: I think that we have been consistent about this matter. The Minister seems somewhat uncomfortable talking about sanctions affecting very young children, but I do want to ask him a question. There is not much between us otherwise, but why is it so important to have financial sanctions that can be imposed on parents with children as young as three and four? If the sanctions became available when children were five, that would still leave two years for the parents to be engaged in work-related activity with the threat of sanctions behind them. Why is it so necessary to have sanctions when children are so young?

Jim Knight: It is worth the House noting that the Opposition believe that it is appropriate to have financial sanctions in respect of work-focused interviews for lone parents whose youngest children are from three to five years old. They agree that financial sanctions are appropriate in those circumstances, but in his question the hon. Gentleman wondered about work-related activity. If he believes in the work-focused interview, which sets out an action plan for parents but has no means of enforcing that plan, he is being inconsistent.

I have said already that I believe that we need to have the opportunity to configure the support for longer than two years. Many lone parents face substantial problems, and that means that we must be able to configure the support on offer to enable them to overcome the obstacles to getting into work. It would appear that not only are the Opposition inconsistent but they are not serious about tackling poverty. If they are serious about poverty, why are they voting against this proposed action to cut child poverty? If they are serious about responsibility, why are they voting to take away the responsibility for lone parents whose children are in education to take up the support that they need?

We know that the Opposition want to abolish the new deal for lone parents, and now they want to oppose creating the opportunity for people to take responsibility. However, we appreciate the concerns raised by stakeholders, and those raised by Labour Members. They are nervous that our good intentions may not work in practice so—ever reasonable—I am seeking the House's agreement to offer, in lieu of the Lords amendment, an amendment of our own that would provide yet one more safeguard.

The House will be aware that the Bill serves to set out the framework of the work-related activity proposals that we wish to test before national implementation, and that the detail of those proposals will be set out in regulations. The amendment that I propose would require all work-related activity regulations, in so far as they relate to lone parents with children under seven, to be brought back to the House for further affirmative debate before being introduced nationally. That should reassure the House that passing the Bill will not have the effect of shutting the door on further debate about work-related activity for this customer group. Any regulations made within five years after royal assent will come back to the House and the other place and Members of both Houses will have every opportunity to consider whether work-related activity is working in practice.

I believe that it is right for lone parents to begin the journey towards work in good time, so that they can take positive steps to prepare for rejoining the labour market and help take themselves and their families out of poverty. To remove their responsibility to start to get ready for work early would also remove the responsibility of Jobcentre Plus to provide support from an early stage.

That would be wrong. It would be a backward step, and could only come from the motivation to save money at the expense of those who need support the most. That may be the Opposition's agenda, but it is not ours. We are proud of the new deal for lone parents that the Opposition want to abolish. We are proud that more lone parents are getting into work, and that they see that these measures are necessary if we are to continue our good work on tackling child poverty through work. I look forward to hearing whether the Opposition are really serious about poverty, or whether with them it is all talk and no action.

I urge the House to overturn Lords amendment 2, and to support Government amendment (a) in lieu.

Mr. Clappison: May I begin by welcoming the Minister to the proceedings on this Bill? He has obviously spent some time studying the provisions, and he will know from previous debates that we on this side of the House have expressed broad support for the Bill and its objectives. We support many of the measures in the Bill—as we should, indeed, since we suggested many of them before the Government took them up. I admire the dexterity with which the Minister has approached the Lords amendments, and the main issue that lies at the heart of them.

The House could be forgiven for forgetting about Lords amendment 2 altogether, given how long it took the Minister to come to it. From the outset, therefore, I want to make it clear that this is the issue that lies between the parties as far as these Lords amendments are concerned. I shall take a little time to go through the issue, as I think that the Minister will have to accept, when he hears what we have to say about it, that we have been completely consistent. We welcome many of the safeguards, but he has spent such a long time putting them in place and speaking about them that it makes one wonder what is the point of the sanction in the first place. We remain uncomfortable about that sanction for reasons that I shall explain.

4.15 pm

In approaching the question of what is to be required of lone parents, I agree with the generality of what the Minister said about getting them ready for work. We certainly believe that it is important that lone parents be helped to prepare for work, and we have not opposed general moves to take a more active approach in that field—far from it. We were at the forefront in suggesting that the age at which income support would come to an end should be lowered, and that there should be a transfer from income support to jobseeker's allowance. The Minister knows the thinking of my right hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith) on the issue, and that seems to have played a part in shaping the Government's thinking.

We note that until last year single parents were entitled to remain on income support until their youngest child reached 16 years old. Such parents were, therefore, under what has generally been described as a passive regime, which neither made many requirements of them nor, certainly for parents of children up to 16 years old, contained the threat of sanctions that is now in the Bill. The effect of the Government's proposals is to lower the bar for those sanctions from the age of 16 to the age of three.

The Government announced the reform of the income support regime for lone parents only in the summer of 2007, and began its phased implementation last year. We have heard from the Minister about amendments in another place introducing safeguards on the requirements to be made of single parents when it comes to work-related activity, and we broadly support those safeguards. They were, in fact, announced as policy when the Bill was in Committee in our place, so in a small way I suppose that they mark progress.

However, the important part of this debate is that, after all that the Minister has told us about safeguards, and the lengthy process of missed interviews, case reviews, written warnings, further warnings, home visits, fourth warnings and so on, there remains the possibility that lone parents with pre-school age children of three and four years old could face financial sanctions as a result of failing to comply with the proposed regime.

Mrs. McGuire: Will the hon. Gentleman give way?

Mr. Clappison: Yes, I shall certainly give way. The right hon. Lady has experience of these matters.

Mrs. McGuire: Will the hon. Gentleman explain why the noble Lord Freud, who is no doubt watching these deliberations from on high somewhere, said that the Conservative party was not against financial sanctions? Indeed, he said:

> "Our amendment is drawn deliberately narrowly"

and that his party was not against

> "established financial sanctions for not complying with its—

the regime's—

> "rather light requirements."—[*Official Report, House of Lords*, 22 October 2009; Vol. 713, c. 835.]

There is an inherent contradiction in the Opposition's case, which makes me think that it is more about opportunism than about supporting lone parents.

Mr. Clappison: The right hon. Lady has made her point, but may I draw her attention to Lords amendment 2? It says:

> "Nothing in this section shall cause any financial sanction to be imposed in the case of a single parent with a child under five years of age."

That amendment was moved by my noble Friend Lord Freud, and it could not be more explicit. The right hon. Lady knows that we have been consistent throughout and argued that five years old should be the age at which work-related requirements are followed up with sanctions. We have been quite consistent about that throughout the Bill's passage in this place, as I think she knows, and in the other place; and the issue comes before the House today because of that amendment.

I shall take the House through what is proposed. Parents of pre-school age children could be required to undertake work-related activity. They could be directed to undertake work-related activities by advisers. Presumably that means that their advisers may direct them to undertake specific work-related activities. After the process that the Minister has proposed, they could still face sanctions—including financial sanctions—if they fail to comply, as such sanctions remain part of the Government's arrangements. I wonder what the purpose is of these financial sanctions. The Minister did not give a sufficient explanation of why sanctions are considered to be so necessary for parents of children as young as three and four. We heard such a lot about safeguards, and that makes me think that something in the detail of the Bill is wrong. More and more safeguards have been added to the Bill during its passage through this House and another place.

Why are the Government so stuck on this provision, and why are they so obstinate in their refusal to consider the issues at stake? Is the possible application of sanctions justified by what is at stake? After all, when the youngest child reaches the age of five, there will still be two years in which the lone parent can be engaged in work-related and progression-to-work activities before the child reaches the age at which the parent will be migrated from income support to jobseeker's allowance. We accept that that group may include many lone parents who face barriers to work and are not work ready, but two years will amount to a significant period in which they can be helped, backed throughout by the threat of sanctions, from which we do not demur. That will come on top of whatever other help they have received in the preceding period from the ages of three to five years, not backed by financial sanctions.

We must consider whether the attainment of the child's school age is the appropriate point at which lone parents can be fully engaged in the Government's progression-to-work regime in its full rigour, backed by sanctions. As the right hon. Member for Stirling (Mrs. McGuire) will know, we have been consistent in advocating the age of five and have argued for that throughout. In Committee, I moved an amendment on those lines, which was defeated. We moved an amendment on Report when the matter came back before the House, and it was voted on and defeated. Therefore, prior to the passing of the Lords amendment, the age stood at three at which parents would come into the progression-to-work regime in its full rigour, with directions and mandatory work-related activities, and backed by sanctions. The Lords amendment has altered that so that the age now stands at five, which we think is more sensible.

We must set this in the context of the progression-to-work model set out by the Government in their response to the Gregg report, which, notwithstanding everything that the Minister has said, remains the Government's policy. I look to him to demur from what I am saying if that is not the case. We are told that lone parents with children aged one to two years are:

> "Required to attend Work Focused Interviews and agree an action plan. They are not mandated to undertake any activities recorded on the action plan or any other activities, although they will be encouraged to do so on a voluntary basis".

Once the child has turned three, the lone parent is:

> "Required to follow the progression to work regime based around Work Focused Interviews, action plans, work related activity and the backstop of adviser direction".

On any view, the full rigour of the regime kicks in at three. The Lords amendment suggests that at least these parents should not face the liability for financial sanctions under the regime.

The Minister announced as a great concession amendment (a) in lieu of the Lords amendment. I think that he possibly put it a little strongly when he suggested that it was a great safeguard. I am not saying that the amendment is unwelcome, but I invite the House to consider it and set it against the issues at stake. The Minister did not deal with it in great detail, so it might assist Members if I provide a little more detail to enable them to assess how much value should be attached to it. It requires the affirmative resolution procedure to be followed in respect of regulations imposing work-related activities on lone parents of children under seven. Although that is welcome in itself, it does not address the questions that arise from the motion on amendment 2. The amendment in lieu deals with work-related activities to be imposed on the lone parents in question, not the sanctions that are to be imposed as a result of a breach of those requirements.

Ms Abbott: I do not want to sound cynical, but affirmative resolution procedures are invariably not worth the paper they are written on. By the time the matters in question come back to the House, people have forgotten the details of the original debate and the votes are whipped, so they are worthless undertakings. They should not be allowed to deflect Members from the issue at stake today, which is women with children as young as three having financial sanctions imposed on them because of the Government's proposal.

Mr. Clappison: I think I was a little kinder than the hon. Lady in what I said about the value of affirmative resolutions. As a parliamentarian, I always welcome the affirmative procedure and argue in favour of it when considering Bills, but one needs a tinge of realism when discussing the subject.

I am always in favour of parliamentary debates, but following the hon. Lady's point I would say that even when the regulations come before the House, they will not deal with the issue in question. The affirmative resolution procedure will relate to the regulations, not to the sanctions that will back them up. We will have no say on the sanctions. Also, the affirmative resolution procedure will be in respect of requirements for children under seven. The question is what will happen to people with children under five, not under seven, so I respectfully argue that the amendment in lieu does not make a great deal of difference. The Minister put it a little too strongly when he said that it was the necessary safeguard in lieu of the Lords amendment, because it does not address the question at all. It is a bit of a misrepresentation to say that it is an amendment in lieu in the sense of forming a satisfactory replacement for the amendment from the House of Lords. It is off the point altogether.

Similarly, the Government have introduced other amendments, which the Minister spoke about at great length earlier. I broadly welcome many of them, but again I question whether they address the point at issue between us. The amendments that the Government introduced in another place were put forward on the basis of addressing the concerns that have been expressed about the requirements made of lone parents with younger children. Many such concerns were widely expressed in another place. The Government brought forward amendments described as a package of concessions—I believe that the Minister himself has described them as such—so let us see how good the concessions are on the point about protecting lone parents of younger children from financial sanctions.

Lords amendments 3 and 4 are Government amendments designed to ensure that lone parents with a child under three could not be required to undertake work-related activity. However, that is not a change in policy, because the Government have always stated that that was their intention. They said that right from the start and throughout Committee stage in this place. They stated that their intention was that lone parents with children under three would not be subject to the full regime of work progression. The amendments put that policy intention into law, but they do not in any way answer the question of what should happen to lone parents of children aged between three and five, which is what Lords amendment 2 is about.

Similarly, Lords amendment 5 would give lone parents entitled to income support a right to restrict the hours for which they will be required to undertake work-related activity. We are told that it could be used to enable them to restrict such activities to their child's hours of schooling or formal child care. Even then, if they had made that restriction and were found not to be in compliance with the requirements, they would face financial sanctions. That amendment therefore does not address that question either.

Lords amendments 10, 26 and 78 provide that regulations prescribing just cause for failing to undertake mandatory activities must expressly state that availability of child care and the claimant's physical or mental health or condition will always be considered. Again, however, we had already been told that the availability of child care was to be taken into account as a matter of policy. The Minister introduced that as a concession today, but we were told that in Committee by his then ministerial colleague, the right hon. Member for Harrow, East (Mr. McNulty). He told the Committee, before the Bill went to the other place that

> "the absence of such provision will be taken fully into account when discussing the details of an individual's work-related activity at three."—[*Official Report, Welfare Reform Public Bill Committee,* 24 February 2009; c. 120.]

That has been included in the Bill, but it would have been the Government's policy in any case. I will leave the House to judge the value of that concession as part of the package of concessions.

4.30 pm

Taking the concessions in the round, they are either on a different matter or they put into law what would be Government policy in any case. They still leave open the possibility of lone parents of children as young as three or four facing the threat of financial sanctions. Although we may welcome the amendments, we do not think that they tackle the matter at stake. The Minister went through them carefully, but as a package of concessions, it misses the point, which, for us, has been an issue all along.

Let me deal with an amendment that we welcome. It represents a new development and is about a different subject. The Minister mentioned Lords amendment 25 and he was right about it. Under it, the Secretary of State would be required to exercise existing regulation-making powers to provide that victims of domestic violence can, for 13 weeks, start or continue a claim for jobseeker's allowance without being available for employment. That is a good idea, which we welcome. It is in line with what we proposed in a strategy paper in December 2008, when we suggested a three-month period of grace, during which women who were housed in refuges should be exempt from the requirement to seek work to qualify for jobseeker's allowance. It is right that we recognise the stresses, strains and problems that such women face at that unfortunate time in their lives. We accept that women who are the victims of domestic violence will have suffered considerable emotional distress and find themselves dealing with several practical issues, making it difficult for them to find work.

We remain concerned about Lords amendment 2 and the Government's motion to disagree. I say to Labour Members that our position on lone parents with children aged under five has been consistent throughout. If one examines the history, the Government have some questions to answer about their consistency on the matter. Originally, in the Green Paper of July 2008, they chose five as the age at which the requirements should be imposed. Barely six months later, they unilaterally lowered the age to three, without giving any justification, in response to the Gregg report on conditionality.

In March, because we supported the Government's original proposal—that five was the appropriate age—the then Secretary of State accused us of opposing the whole Bill and of using our view on age to block welfare reform. On Third Reading, he said:

> "This Bill has gone through despite the opposition of Her Majesty's Opposition and it has gone through as a Labour Bill. They said that it would go through only with their support; it has gone through despite their opposition. That shows that they are not serious about welfare reform."—[*Official Report*, 17 March 2009; Vol. 489, c. 865.]

I shall leave it to the House to judge, but there was no such talk from the Minister today. In March we were portrayed as the determined opponents of welfare reform in the Government's eyes, whereas today, if one judges from what was said on "Today" earlier, we are the dangerous proponents of welfare reform. The Government should make up their mind about their attitude to welfare reform. They are currently oscillating—saying one thing, then another. They are all over the place.

There is an important matter at stake—the single issue that lies between us. Although we broadly support the Bill, we are concerned about the financial sanctions. Given that we are considering children as young as three and four, and lone parents, with the financial pressures that they face and all the stresses in their lives, the Government must make a better case against the amendment that was passed in the House of Lords if they propose imposing a regime of such sanctions on lone parents. We have not heard that case today, and we remain concerned about the matter. We believe that the House of Lords was right and nothing that we have heard so far from the Labour Benches has dissuaded us.

Mr. John Grogan (Selby) (Lab): I rise briefly to support Lords amendment 2 and reluctantly to oppose those on the Treasury Bench. I shall make three points, the first of which is on the politics of the amendment.

When I first read the amendment, which effectively raises from three to five the age that children must attain before their parents are subject to benefits sanction if they are not enthusiastic enough about work-related activity, I had been following the debate in outline rather than in detail, and I wondered who had made the proposal in the other place: at first, I thought it might be a liberal bishop with a social conscience; then I thought it might be a former Labour MP rocking the boat, perish the thought; finally I thought it might be an independent peer—perhaps someone with a long record in the voluntary sector—who felt strongly about the issue. To my amazement, who should have proposed this amendment in the other place but the noble Lord Freud? I am not an expert in welfare reform and it took me five or 10 seconds to think, "Who exactly is the noble Lord Freud?" Of course, I remembered that he is very same welfare reform guru who advised my right hon. Friend the Member for Stalybridge and Hyde (James Purnell) when he was a welfare reform Minister.

Ms Abbott: Where is he?

Mr. Grogan: Indeed. Lord Freud also produced a report for the previous Prime Minister, Tony Blair. Following the production of that report, I recall a report in *The Daily Telegraph* that said that our current Prime Minister had a "45-minute shouting match" with the noble Lord Freud before the latter was

> "aggressively cross-examined by a room full of Treasury advisers".

What has politics become? Here we have a Labour Government, whom I am proud to serve as a humble Back Bencher, adopting a more hard-line position than the noble Lord Freud and the Conservatives. That makes me question our position.

Secondly, I acknowledge that although the Secretary of State—it is a pity that she is not here this afternoon—has stuck to the position that it is possible for parents of three and four-year-old children to face benefit sanctions, as has been spelled out today, she has hemmed it in with all sorts of qualifications. For example, the well-being of the child has to be considered, and the basic policy outlined by my right hon. Friend the Minister is three strikes and out. Then, of course, there is the question of the statutory instrument, which would require the approval of the House. When my hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott) questioned the effectiveness of such a measure, my eyes were opened. I always believed that SIs were a safeguard, but apparently they are not.

There are safeguards, but at the end of the day, it might be that in a few months' time, possibly in a little room in a jobcentre in South Dorset or in Pontefract and Castleford, a vulnerable single parent will sit at one end of the table and an official will sit at the other, and the former will have to justify their actions, justify why they are not taking up the appropriate child care so that they can do work-related activity or justify their personal circumstances.

I am a great believer in Fabianism, but there is a part of the Webb tradition that borders on authoritarianism and says, "We know best." It is a bold claim, but I think those who are doubtful about the Government's position, including me, speak for middle England. Selby is a middle England constituency, similar in some ways to South Dorset. The Opposition are right to say that thinking has changed on the Government Benches. Most people in middle England would say that there should be sticks as well as carrots when children of single parents attain a certain age, but most would be shocked to think that a Labour Government are proposing to cut up to 40 per cent. of benefits in the worst cases, and that they are proposing to make those savage cuts to the benefits of parents whose children are under five. I do not think that we are carrying middle England with us on the issue.

I said that I would be brief, so I shall make my third point. It is a pity that the Secretary of State is not here today, because I recognise, as do some of the pressure groups, such as Gingerbread, that she has tried to make the Bill more family-friendly. We in Yorkshire know that she is a warm, generous-hearted and engaging character, rather like my right hon. Friend the Minister. She has enlivened Yorkshire politics since she joined us in 2001 and has since brought up a family and a husband—*[Laughter.]* They have all enlightened Yorkshire politics.

This proposal is mean-spirited. It is cold, austere and technocratic, and it is unworthy of the Secretary of State and the Minister. I ask the Minister, even at this stage and in the spirit of Christmas, which is soon to be upon us, to drop his opposition to amendment 2.

Steve Webb: Like the hon. Member for Selby (Mr. Grogan), I am a great fan of the Webbs.

I find it odd that an amendment tabled by a former Government adviser who now feels comfortable in the Conservative party is being resisted as "too soft". Sometimes I cannot work out who is on which side. We have to be on the side of the child and the family, so we have real concerns about the motion to disagree with amendment 2.

Various arguments have been advanced as to why we should reject amendment 2. One is that the amendment is not clear, because it uses the phrase "single parent" rather than "lone parent", but it is fairly obvious what it means. Indeed, Lord McKenzie, in opposing the amendment in the other place said that it would mean that

> "lone parents with a youngest child aged three or four would be required to attend a work-focused interview".—[*Official Report, House of Lords*, 22 October 2009; Vol. 713, c. 840.]

so he knew perfectly well what it meant. If the Government's only objection is that this amendment is not tidy enough, they could have tabled an amendment to make the provision work properly, but they do not want it to work properly, which is not a credible argument.

It has been argued that the amendment does not apply to the full range of benefits, but only to certain ones, and that it could be tidied up. If it simply needs sorting out, but its spirit is accepted, the Government could deal with the matter. However, the Government do not want to deal with the matter, because they do not agree with the principle, and it is the principle that must concern us now.

I thought that the Minister was very candid when I asked him why we need the stick. Why do we need to blackmail lone parents with a youngest child of three or four to take all the goodies, help and assistance that is on offer? According to the Government, lone parents need to be forced to take that, because the Government know what is best for them. That is clearly the Government's position, as the Minister hinted when he said that we have to make it more uncomfortable for lone parents to do the wrong thing. The key question for Liberals is who decides what is the wrong thing for someone responsible for the well-being of a child aged three or four. Even when a child is as young as three or four, the Government say that they, rather than the parent, know what is best for that child, and they will threaten the household's well-being if the parent does not do what they want, which seems very presumptuous.

Mr. David Drew (Stroud) (Lab/Co-op): Like me, my parliamentary neighbour has had the opportunity to talk to new deal organisers, and it is refreshing to listen to their stories of lone parents who had no education, but who have taken up the opportunities that the Government have offered. I do not understand why the Government do not see that as a great success and continue to invest in that programme, rather than looking at the stick.

Steve Webb: I agree; nobody doubts the potential of these schemes if they are taken up by willing volunteers. In many such cases, they are very successful, but there is a world of difference between a scheme that someone enters into willingly and enthusiastically, and one that people are coerced into entering. Indeed, the Government's approach could be counter-productive, because everybody who took part would know that they were doing so under duress, whereas if we removed the requirement for parents of three and four-year-olds, everybody would be a voluntary participant. We all know, from talking to advisers and others, that it is the willing and voluntary participants in such schemes who have the best results, not those doing so with a stick at their back.

Jim Knight: Does the hon. Gentleman agree that work is the best route out of poverty? If he does, why can he not see that, given that the length of time spent out of the labour market determines how easy it is to get back into it, we should start to encourage people to overcome the obstacles so that they can get back into work?

Steve Webb: It is interesting to note the weasel words. The Government are not proposing to "encourage": they are proposing to force, blackmail and threaten. We have no problem with encouraging lone parents with children of three or four to start the process of becoming ready for work, but why did the Minister use the word "encourage", not "force", "threaten" or "blackmail", because that is what a sanction regime does? It does not solely encourage; it goes much further than that.

4.45 pm

Jim Knight: If the hon. Gentleman agrees that work is the best route out of poverty, but does not like what he describes as "blackmail", does that mean that he does not agree with that approach for any jobseekers? Why does he agree with it for some customers of Jobcentre Plus, but not for others?

Steve Webb: As the Minister says, there is a fundamental question about the role of sanctions; on the Liberal Democrat Benches, we have a general scepticism about the role of sanctions. However, the case before us is a strong one, because the state is presuming that it, rather than the parent, knows what is best for the welfare of a child. We are talking about not only, for example, an unemployed adult, but the parent of a young child. The state is saying, "We know what's best for the welfare of your child. You don't. And we'll take money off you until you do what we tell you to do." *[Interruption.]* I do not know why the Minister is shaking his head, because that is precisely what the legislation does.

Jim Knight: We are not saying that we know what is best for the child; we are saying that the well-being of the child comes first. This should be at the convenience of the parent—if adequate child care is available, and while the child is in whatever child care, nursery setting or school that the parent thinks is appropriate. All we are saying is that work is the best route out of poverty. If we are committed to tackling child poverty, we have to make it easier, and put the structures in place, for lone parents to be able to get back into work.

Steve Webb: There is a non sequitur in the Government's argument. They seem to argue that—the Minister in the Lords, Lord McKenzie, argued this—without the threat, the support cannot be provided, which is nonsense. Lord McKenzie said that, if we accept the amendment, it

"would mean depriving lone parents with a youngest child aged three or four of the help and support that they may need".—[*Official Report, House of Lords,* 22 October 2009; Vol. 713, c. 839.]

Why? Why does the absence of bullying, a threat or a sanction prevent Governments and jobcentres from contacting lone parents, encouraging them and telling them what is available? Why do we need to threaten them?

Ms Abbott: I respect the hon. Gentleman and his party's position on no sanctions of any kind. However, is not the case against sanctions for women with children under five that such sanctions affect not only the adult, who is arguably conscious of making their own decisions, but children who are already living on the breadline? Those are the people whom my hon. Friends on the Treasury Bench want to sanction.

Steve Webb: That is absolutely right. There is a fiction in the Department for Work and Pensions that when sanctions are applied, they are sanctions on the adult bit of the benefit. However, the implications of the sanction are felt by the whole household. The Minister has said, "Ah no, we have brought in a safeguard—the well-being of the child." I have looked at the three amendments in the group relating to the well-being of the child, and they relate to action plans—amendments 8 and 54—and to jobseekers' agreements.

Will the Minister clarify something? Surely it is very hard to argue that the sanction does not adversely affect the welfare of the child, so how does the safeguard work? The action plan is drawn up with the welfare of the child in mind, as, too, is the jobseekers' agreement. However, if the lone parent does not comply, will an appeal tribunal or a DWP official argue, "Well, it is in mum's best interest that she gets to work, because work is the best route out of poverty, so even if the child has to live below the breadline for a while, it is for the best"? It is hard to know what that so-called safeguard means.

John Mason: The phrase, "the best route out of poverty is work", concerns me a little, first because work is not always a route out of poverty. There is a second reason however: according to the Government's logic, that route could take us right down to age zero. Surely for some families, where both kids and adults are affected by lots of problems, the best thing is not to be working; however, such families should not be in poverty either.

Steve Webb: The hon. Gentleman rightly pointed out in an earlier intervention that there are as many children in poverty in working households as in non-working households, so work in itself is not a guarantee of being out of poverty. I also take his point that it should surely be for the lone parent themselves to judge what is in the best interests of their family, particularly when their children are young, rather than for the state to impose that on them.

The safeguards, although welcome if we have to lump what the Government propose, make the system even more complicated for someone trying to navigate it. Such a person might fail to comply, after which they get another go, but then they might fail to comply again. One of the earlier speakers in this debate said, "It's three strikes and you're out," and the Minister said from a sedentary position, "It's four strikes and you're out," but at what point is a decision appealable? If someone says, "I don't think this is in the best interests of the child—it's in breach of the Lords amendments," can the individual concerned go to appeal? Can they go to appeal because someone says that something conflicts with the child's school hours or school holidays? Can someone go to appeal on the availability of child care? The Government say that there is enough good child care available, but what if someone says that there is not, because they would need to get a bus there and they do not have the money for the bus fare?

Everything gets incredibly complicated. The hon. Member for Birmingham, Selly Oak (Lynne Jones) mentioned in an intervention a family with five children. Often we are talking about families with not only one child under five, but several. Life can be incredibly complex and messy, and then there are all the hoops to jump through and all the caveats—you might satisfy this one, Mr. Deputy Speaker, but can you appeal against that one? Lone parents with young children do not need the grief, but that is what the additional threat will give them.

By all means let us contact lone parents and support them. Let us make the options that we give them as attractive as possible. Then I envisage that many will take those options up and see them as being to their long-term benefit. However, if a lone mother—or a lone father—decides that something is in the best interests of herself, her children and her family, she should have the right to do so.

Ms Abbott: I rise to speak in support of Lords amendment 2, but let me first nail the idea, which seems to emanate from my right hon. and hon. Friends on the Treasury Bench, that single mothers as a group do not want to work and that they have to be coerced and threatened into doing so. The majority in my circle of friends are or were single mothers—some had children as early as 15—but they all went back to work. Indeed, some went back to work and got degrees—they did that of their own free will, 20 years ago, in circumstances that were a lot harder. My experience from my constituency is that single mothers with any type of skill are anxious to return to work and will do so given the right support.

What we are talking about in this debate is the Government's wish to coerce a residual group of young women, who probably do not have skills and almost certainly have very little education, back to work. Let us pause and think. I went back to work when my son was eight days old. I have nothing in principle against women with young children going back to work, but I was a well-paid woman doing a job that I loved. My right hon. and hon. Friends on the Front Bench are talking about ill-educated girls going back to work to stack shelves or do a service job, often in split shifts. That is the work that they want to drive those girls back to, not work that they would want to leave their three-year-old children to do. The first thing to say, therefore, is that the vast majority of single mothers, given the right support and encouragement, will go back to work as the Government wish.

Jim Knight: Will my hon. Friend give way?

Ms Abbott: No.

Given the right support and help with child care, the majority of single mothers will go back to work. However, we are talking about a residual group of women who, in practice, go back at the very bottom of the work pyramid, to do jobs that none of us would want to leave our three-year-old children to do.

The second point is that the Government's proposal is based on fantasy figures about the availability of nursery care and child care for children aged three. Ministers have said that nursery places are available for three quarters of children, but that is not my experience in Hackney. My experience is that people regularly come to me with children aged five and above who cannot get places for them in nursery. I would be happier with the Government's proposal if the Government came to me with solid research to show that nursery provision is available for 75, 80 or 90 per cent. of children, but that is not my experience in the east end of London.

We therefore have a proposal based on fantasy figures about the availability of child care. However, even if child care were available to 100 per cent. of such children, speaking as a single mother—albeit a well-paid one—I put it to my right hon. and hon. Friends on the Treasury Bench that although some children skip off happily to nursery at the age of three and never look back, some do not like nursery, while others are sick every minute and have to stay at home for a week or two at a time. It is very hard for someone with a child who is poorly every other week or who has something wrong with them to sustain permanent employment. Only the mother is best placed to judge whether she can leave her three-year-old and go out to work.

As I have said, some children are happy in nursery at the age of two or three, but some need more support because of health issues or whatever. The mother should be able to judge that, not some official in a jobcentre. Even if 100 per cent. nursery care were available, which it is not, I believe that Ministers are peddling fantasy figures. Only a mother can tell whether it is best for her child to be left while she goes out to do work-related activity or to work. The residual group of mothers that we are talking about needs support and education as mothers; they do not need to be shoehorned into jobs at the bottom of the work pyramid.

Ministers have tried to explain to me that those women will have to work only if it fits in with school or nursery hours. Again, they are not talking about the real world. Are they taking into account travel time to and from work and the time it takes to pick up children from nursery? When my son was five, I had to leave Westminster an hour and a quarter before picking him up from nursery. Are Ministers adding on these women's travelling time? Are they taking into account the time that it takes to travel to pick up another child from school after picking up a younger child from nursery? This is not real world stuff.

Of course work is a route out of poverty, and of course we should encourage and support single mothers who want to go back to work. In the middle of a recession that has by no means played itself out, however, it is unconscionable to talk about imposing financial sanctions on women with children as young as three. We know that those women are on the breadline because they are on benefits.

It is a fact that, nowadays, the proceedings of the House of Commons are not properly reported, if they are reported at all. Colleagues on the Treasury Bench will be grateful for that, because if ordinary Labour members and supporters could hear Labour Ministers talking about imposing financial sanctions on women with three-year-old children to get them into notional jobs in the middle of a very real recession, they would be shocked and unhappy. Ministers have not made their case, and I will be voting to support Lords amendment 2.

Lynne Jones: I should like to start by quoting from the Department for Work and Pensions' five-year strategy that was published in 2005. It states:

> "we think it would be wrong simply to move lone parents from Income Support onto the Jobseeker's Allowance regime: an unrestricted requirement to search for work is inappropriate, given the complex and difficult circumstances many lone parents face. We think such an approach would be expensive, unfair and ineffectual."

I agree, but what has changed since 2005? Certainly, lone parents have continued to engage with work as their children have got older. They have been supported and helped by programmes such as the new deal, which I fully support.

It seems, however, that we are constantly having to respond to the *Daily Mail*-type agenda, which suggests that lone parents and other people on benefit—perhaps incapacity benefit—are somehow feckless and living the life of Riley while the state pays them luxurious benefits. That is not the case. As the DWP knows full well, the reality is that only a small proportion of lone parents with children over 11 are actually not in work. The figures that I have are probably not the most up to date, but they suggest that 19 per cent. of lone parents whose youngest child is over 11 claim income support. Of those, 25 per cent. are caring for a disabled child, and 28 per cent. have a disability themselves.

[Lynne Jones]

The reality is that lone parents do engage in work, and as the child care becomes less onerous as their children get older—or as the access to child care improves—more of them are returning to work. Research has shown that access to good quality child care is the biggest factor in determining whether lone parents go out to work. I commend the Government's work over the years on improving access to child care, but we still have a long way to go. In that quote, the Government seemed to acknowledge that lone parents have difficult lives and that they have to juggle their work and home lives.

I agree with my hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott) that it is not for some bureaucrat to decide what is best for children. Most parents take responsibility for their children and do a good job. We should value the work that parents do in bringing up their children. That in itself is a valid contribution to our society. By all means, those who want to work and can work should be encouraged to do so, but we as a society should value the work that parents do in bringing up children and value the decisions they make about how best to do that. Yes, some people may be inadequate and need support, so we need programmes to offer it, but I do not agree with having sanctions to deprive people who are already poor of their benefits, as this may affect the children.

The biggest problem people face is coping with poverty. Yes, work will help people get out of poverty, but for some people, it is not in the interests of their family for them to work. The Government acknowledge that, as we have had all sorts of concessions made to the original proposals, which I welcome. I think that the new Secretary of State has engaged positively, trying to reflect the realities of life for lone parents in trying to engage with work, but what we have as a result is a very complex and bureaucratic system. We know that people do not understand complex systems. We know that those on the receiving end of those bureaucratic complexities do not understand them. We also know that the staff who administer those complex regulations are often not very good at understanding them. As a result, we do not always get the right decisions.

I remain of the view that the Government are right to support people on benefits, lone parents and other groups to engage in work so that they have a life of their own away from their caring responsibilities. That is good. I think that most lone parents who experience that kind of support value it and want to engage, so I think it is unnecessary to have these complex regulations to invoke sanctions against already poor people. We know from DWP research that staff themselves feel very uncomfortable about introducing a mandatory element into their work with lone parents. The Government should listen to the views of those staff, which are well documented in the DWP's own research publications.

Ms Abbott: Given that the staff working at the sharp end do not want to be involved in mandatory sanctions for women with children up to the age of three, why does my hon. Friend think that Ministers are so wedded to those mandatory sanctions? They have not explained themselves and my hon. Friend might be able to shed some light on this issue.

Lynne Jones: I think the answer is in what I said at the beginning of my contribution—that there is an agenda out there that we have to be tough. I simply do not accept the idea of tough love. I think that we need positive encouragement and incentives for people to live a more fulfilled life, which they often experience by going out to work. I take my hon. Friend's point that some jobs that people engage in are low paid and not particularly interesting to do, but even those jobs provide the advantage of enabling people to meet others and to develop friendships and comradeships with their fellow workers. I believe that people value that experience; it is part of being part of society.

Mrs. McGuire: If the Government were proposing to extract parents from their home, absolve them of responsibility for their children and put them into jobs, I would probably agree with my hon. Friend, but that is not what is being proposed. Does she accept that it is important that lone parents and women in particular remain with some sort of attachment to the labour market so that when they make the decision to go back into employment, they still have live skills that they can use to lift their children and their families out of poverty?

Lynne Jones: I agree that opportunities should be provided for lone parents and other benefit recipients to engage in the world of work, in the voluntary sector and in other activities that include a social element. I do not think that people ought to be stuck at home with the children and without those opportunities. However, it is up to individuals to decide how they wish to engage with those opportunities. I do not think that the opportunities should be forced on them, along with the threat of a loss of benefits which are already not over-generous.

Mrs. McGuire: We have almost reached an agreement. We agree that it is important for young women, in particular, to remain in contact with the labour market. May I point out, however, that the subject of sanctions—on which I understand that my hon. Friend holds a principled position—arises very far down the line? There is encouragement, support and negotiation for months before sanctions are even mentioned. Does she not accept that that encouragement is built into the programmes proposed by my right hon. Friend the Minister?

Lynne Jones: I do not accept that sanctions are necessary. All that can be said for them is that they provide a structure for the relationship, because staff cannot simply give up the attempt to make contact; they must continue the encouragement. That is the only beneficial aspect of a sanctions programme that I can see, and if it is to be used so rarely, why invoke it?

I think I am right in saying that since sanctions were introduced for work-focused interviews, about 4 per cent.—not an insignificant figure—of lone parents have had to endure them. My argument is that we need to ensure that the services on offer are excellent and effective, that we need to involve lone parents in the identification of what services are effective and ensure that they are on offer, and that if for some reason a lone parent does not engage with the process initially, we must not give up but must use other means of drawing their attention to the availability of support, such as Sure Start centres and after-school activities involving parents. The support should be seen as a positive element, and that can be achieved through members of these people's peer group, rather than their being forced to jump through hoops because Ministers want to appear tough.

In an earlier intervention, which was rather lengthy, I gave an example involving one of my constituents. Her children are older than the ones that we are discussing, but the case demonstrates that DWP staff know that it is a waste of time trying to develop an action plan for parents such as her to engage with the world of work, because they will never be in a position to do that.

I have visited my constituent at her home, and she has explained to me how she has to juggle her commitments in order to be there for her children. Some of them go to school, and she has to be there when they come home. They have severe disabilities. I know that because my constituent is a carer she will not be required to engage in work-focused activity, but none the less she is being subjected to regular mandatory work-focused interviews, and she resents that very much. For her, it is a complete waste of time—it is a waste of her time, and it is a waste of the staff's time.

My constituent acknowledges that she would like to maintain a relationship with the person who interviews her, because she is really nice and they have a nice chat. However, that is all that it amounts to: a nice chat. I think that it is probably better to support people who need nice chats in other areas of public services, such as schools and health care settings, than to force them to participate in work-focused interviews. She says she knows other parents of disabled children who feel that these requirements are unnecessary and intrusive.

Today we only have the opportunity to vote on removing the benefits sanctions in relation to three to five-year-olds, but we are concerned in general with a group that has young children and for whom child care is the most difficult to organise. I, too, will be supporting the Lords amendment. I just wish that we were not going down this route and that we were sticking to the voluntary approach.

Jim Knight: We have had an interesting debate, during which I was grateful to my right hon. Friend the Member for Stirling—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I am sorry to interrupt the Minister but he needs the leave of the House to speak again on the Lords amendment.

Jim Knight: By leave of the House, Mr. Deputy Speaker, may I say that I was grateful to my right hon. Friend the Member for Stirling (Mrs. McGuire) for her sterling support?

We started with an interesting speech from the hon. Member for Hertsmere (Mr. Clappison). My right hon. Friend described the speech as opportunism. I agree. The Opposition are simply playing politics rather than being serious. I confirm that the amendment tabled by the noble Lord Freud in the other place was restricted to work-related activity, so the position in the other place—there are countless examples of the noble Lord Freud saying something slightly different from the Opposition spokesman—was clear: there is no problem with financial sanctions in respect of lone parents whose youngest child is aged between three and five. The measure was in respect of work-related activity. Indeed, there was no problem with sanctions; it was only a question of financial sanctions. The hon. Gentleman talked, bizarrely, about what sounded like vouchers and about making it inconvenient by forcing people to travel across cities. For the avoidance of doubt, I can tell the hon. Gentleman that the regulations in amendment (a) would include the sanctions.

My hon. Friend the Member for Selby (Mr. Grogan) made a typically clear and, at times, amusing contribution, but I would obviously dispute that we are being mean-spirited. We are trying to help and support this group of lone parents, to improve that help and support and to build on the success of the new deal for lone parents. I was pleased that my hon. Friend the Member for Stroud (Mr. Drew) paid tribute to that programme.

The hon. Member for Northavon (Steve Webb) talked about whether he would be characterised as too soft. He worried that we thought we knew best. I dealt with most of his points in a series of interventions, but if he agrees in any way with conditionality, he must see merit in what we are arguing.

I say to my hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott) that we do not want to sanction anybody. We want lone parents to be supported and to get back into work, but in a way that is sympathetic to their needs as parents. That is what I said at the outset: the principle on family-friendly working is that we believe that work is the best route out of poverty but that, first and foremost, those parents have a responsibility to their children. Any requirement that we put on them, first and foremost, has to bear in mind the needs of the children and their needs as parents. I hope that it never comes to using any of these sanctions, but having them in place helps to focus the system.

I would also say to the hon. Member for Northavon that the work-related activity must flow from an action plan, so the safeguard does apply to work-related activity. It was unfortunate that my hon. Friend the Member for Hackney, North and Stoke Newington did not want to take any interventions, as that meant I was unable to clarify a few matters for her. She accused me of using fantasy figures, although they were taken from the Department for Children, Schools and Families child care and early years survey of parents of last year, but I think there was some fantasy attached to her argument. We are not talking about forcing people into work; we are talking about people agreeing with us an action plan through the work-focused interview, and then, at the end of a very long sanctions process, the possibility of financial sanctions. There is a guarantee of a child care place for 15 hours a week from 2010 and currently for 12.5 hours, which is already in place in Hackney for all three and four-year-olds, but if that is not in place in practice, that is certainly a good cause for a lone parent not to take advantage of the work-related activity that we would provide.

5.15 pm

My hon. Friend the Member for Birmingham, Selly Oak (Lynne Jones) made an interesting contribution. She said we were merely competing with the other side as to which party was tougher. That is not our motivation at all. As my right hon. Friend the Member for Stirling made clear in some of her useful interventions, our motivation is to help people—to help these lone parents be able to get into work—because there is a fundamental point here: we have to go back to the truth that the longer someone is out of the labour market, the more difficult it is for them to get back into work. Members have to weigh up in their minds whether or not they are serious about trying to help these lone parents overcome the obstacles to their getting back into work. Many of them will have more than one child, and if they wait until their youngest child is five, they will be waiting longer than five years to get back into the labour market. We want them to be able to have a flying start if they want one, once their children start school—*[Interruption.]* Yes, if they want one. They would not be required to go into work until their children are seven, but we want them to be able to have a flying start, and those of them who have literacy and numeracy problems—as many lone parents do—will need the time to be able to acquire those skills by taking advantage of the support on offer to them and to build their attachment to the labour market. That is why they need more than two years.

That is why this policy is right, and that is why the Conservatives have, within hours, failed to adhere to the principles on tackling poverty that were set out in the speech their leader delivered earlier. They are failing the test of wanting to tackle child poverty. This is at the heart of why the Government urge the House to agree to our amendment, and to disagree to the Lords amendment.

Question put, That this House disagrees with Lords amendment 2.

The House divided: Ayes 286, Noes 236.

Division No. 245] **[5.18 pm**

AYES

Ainger, Nick
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blizzard, Mr. Bob
Borrow, Mr. David S.
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Crausby, Mr. David
Creagh, Mary
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, rh Mr. Pat
McFall, rh John
McGuire, rh Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James

Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Primarolo, rh Dawn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C.
(Sheffield, Hillsborough)
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Spink, Bob
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Steve McCabe and
David Wright

NOES

Abbott, Ms Diane
Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baker, Norman
Baldry, Tony
Baron, Mr. John
Barrett, John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Beresford, Sir Paul
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Browne, Mr. Jeremy
Browning, Angela
Bruce, rh Malcolm
Burgon, Colin
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Caton, Mr. Martin
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Ms Katy
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Clwyd, rh Ann
Corbyn, Jeremy
Cormack, Sir Patrick
Cousins, Jim
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Cruddas, Jon
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Mr. Dai
Davies, David T.C.
(Monmouth)
Davies, Philip
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Nadine
Drew, Mr. David
Duncan, Alan
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Flynn, Paul
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Grogan, Mr. John
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh
Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Hoey, Kate
Hollobone, Mr. Philip
Holmes, Paul
Hopkins, Kelvin
Howard, rh Mr. Michael
Howarth, David
Howell, John
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lansley, Mr. Andrew
Laws, Mr. David
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall-Andrews, Mr. Robert
Mason, John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McDonnell, John
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prentice, Mr. Gordon
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Riordan, Mrs. Linda
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Dan
Rosindell, Andrew
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simpson, Mr. Keith
Smith, Chloe
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary

Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, David
Taylor, Mr. Ian
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Timpson, Mr. Edward
Truswell, Mr. Paul
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Wishart, Pete
Wood, Mike
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Noes:
Jeremy Wright and
James Duddridge

Question accordingly agreed to.

Lords amendment 2 disagreed to.

Government amendment (a) made in lieu of Lords amendment 2.

Consequential amendment (b) made.

Clause 1

SOCIAL SECURITY

Jim Knight: I beg to move, That this House agrees with Lords amendment 1.

Mr. Deputy Speaker: With this, it will be convenient to consider Lords amendments 13, 14, 16 to 24, 29, 51, 52, 60, 92, 93 and 95 to 102.

Jim Knight: Many of the amendments in this group are technical and consequential, and I shall therefore not linger on them. I anticipate that there will be most interest in the proposals on renaming council tax benefit as council tax rebate and on uprating, so I shall dwell on those at slightly more length.

There are six amendments that end provision for pilot schemes that impose a benefit sanction on people who breach a community order. They have been superseded by new measures and are no longer necessary.

There is then a group containing four amendments in respect of the recommendations of the Delegated Powers and Regulatory Reform Committee, following a very useful report that I am sure all parts of the House welcomed. The amendments will put them into effect.

Amendment 16 will resolve a technical issue in respect of disability living allowance and remove what is effectively a duplicate clause. Amendments 19 to 22 will resolve a further technical issue in payments on account and achieve better benefit alignment in respect of the use of the social fund. Our own internal scrutiny found that there was no need to include housing benefit in the scope of that measure.

Amendments 23 and 52 deal with the uprating of benefits. That important change will enable us to meet our promise to pensioners to increase basic state pension from April by 2.5 per cent., which will be worth about £1 billion over the course of the year. The amendments will allow the Secretary of State to consider uprating certain social security benefits in April 2010, even if there is no increase in the general level of prices. The retail prices index has been traditionally used to determine an increase in the general level of prices.

Steve Webb: The amendments, as I read them, relate only to 2010. Will the Minister explain why he has not given the Secretary of State a general power? In 12 months' time, the RPI could still be negative and we would need primary legislation again. Why not provide for a general power?

Jim Knight: As hon. Members will be aware, next year's benefit rates will be announced at the pre-Budget report and in the subsequent uprating statement, and I am therefore unable to pre-empt those announcements this afternoon by legislating accordingly.

These measures are, of course, a further demonstration of the Government's commitment to tackling pensioner poverty, which has resulted in almost 1 million fewer pensioners in poverty than when we came to office in 1997. Poverty is clearly a topical issue.

Amendments 29 and 51 are very important measures that would rename council tax benefit. I should like to start by paying tribute to the Royal British Legion not just for the services that right hon. and hon. Members will have attended throughout the country last Sunday, including the excellent services that I attended at Portland and Swanage in my constituency, or for the importance of the act of remembrance that we will observe tomorrow morning, but for its campaign to rename council tax benefit "council tax rebate". It has led an impressive campaign against pensioner poverty generally, and in particular it has clearly demonstrated how important a name change might be for many of the people whom it represents. It speaks for all pensioners, but particularly for ex-service personnel, who have given so much to this country. We want to ensure that they are afforded the dignity that they deserve and are not put off from receiving what they are most certainly entitled to.

I should like also to thank my right hon. Friend the Member for Enfield, North (Joan Ryan), whom I am pleased to see in the Chamber. She has not just raised the issue with the Prime Minister in the House, but met the Secretary of State and given sterling support to the campaign. The amendments will insert a new clause that requires the Secretary of State, by order, to change the name of council tax benefit to council tax rebate. They will allow for consequential changes to references to council tax benefit in other legislation and documents. The first use of the power will require the approval of Parliament through the affirmative procedure. That will provide a further opportunity to debate the precise details of how the measure will be implemented, following proper consultation with interested parties, especially local government and pensioner groups.

The Government have introduced the amendments to help address the low take-up of council tax benefit by removing a barrier that many pensioners face in claiming help with the payment of their council tax bill. We believe that some people, particularly pensioners, are deterred from claiming benefits but would be much more comfortable about claiming once they understood the true nature of the help to which they are entitled—in this case, a rebate on their council tax bill.

When I spoke to the previous amendments, I referred to this Government's excellent record on tackling pensioner poverty. We continue to do all we can to encourage pensioners to take up the benefits and help to which they are entitled, but the take-up of some key benefits, including council tax benefit, is still disappointing. We believe that the renaming is right, and it has received unanimous support from all parties in the House.

In summary, the amendments contain important measures that will enable the Government to continue to act on our commitment to help pensioners to receive the help that we have put in place and to which they are entitled.

Mr. Mark Harper (Forest of Dean) (Con): As the Minister said, this is a miscellaneous group of amendments—and I shall speak to a few of them. Lords amendments 1 and 24 deal with pilots. I agree with the Minister that the need for those pilots has been superseded by a change in legislation, but I want to press him in one area that may provide a lesson on how Ministers conduct pilots in future. The pilots were originally introduced in 2001. Given that they are no longer needed, it is right to remove their legislative basis, but eight years seems like a fair wait. In the other place, there was a debate about how long the pilots had run for, how long the assessment had taken, and how long the decision had taken to introduce something else. We need to ensure that the pilots on new measures in the Bill run for no longer than is necessary to establish whether there is sufficient evidence as to whether they work—and that if they do work, we should not necessarily run them for their full period, but should learn from them and then decide whether they should be rolled out more widely. That would be a sensible lesson to draw from the amendments.

Lords amendments 13, 14, 17 and 18 improve the extent to which this House and the other place have control over some of the proposals in the Bill, by inserting affirmative resolutions and replacing ministerial direction with a need for regulations. Those measures are welcome, as they strengthen the powers of this House.

Lords amendment 16 relates to disability living allowance and the extension of higher-rate mobility allowance to people with a visual impairment. Will the Minister clarify where the funding for that will come from? When we discussed the relevant new clause on Report, the Under-Secretary of State for Work and Pensions, the hon. Member for Chatham and Aylesford (Jonathan Shaw), who is in his place, announced the Government's decision to support it right at the end of the debate, so there was insufficient opportunity to probe him on the date of the introduction of the change, and exactly where the Government had found the funding for it.

Steve Webb: I welcome the hon. Gentleman's call for clarity. For the avoidance of doubt, could he confirm whether this policy would be implemented if his party were in power in 2011?

Mr. Harper: I am grateful to the hon. Gentleman for that intervention. I will be able to state our position at the end of my remarks, and I think he will be pleased with the answer.

When we debated this matter in the Public Bill Committee—*[Interruption.]* I hear the right hon. Member for Stirling (Mrs. McGuire) chuckling away; I will refer to our exchanges on Report as well. In Committee, the Under-Secretary said:

> "While the Government fully recognise the intentions behind the new clause, accepting it without having the funding to support it would require us to withdraw funding from elsewhere in the benefit system."—[*Official Report, Welfare Reform Public Bill Committee,* 3 March 2009; c. 270.]

He said that he was not in a position to give a time scale showing when he would be in a position to finance a change to the rules. Two weeks later, when the then Secretary of State, the right hon. Member for Stalybridge and Hyde (James Purnell), was asked the same question at Work and Pensions questions, he was unable to give a commitment on being able to fund it.

The very next day, 17 March, when we debated the matter on Report, we had a lively debate in which a number of Members took part. The Under-Secretary said right at the end of his remarks that he was

> "delighted to announce today that we are now in a position to agree to fund this proposal".—[*Official Report*, 17 March 2009; Vol. 489, c. 855.]

He said that he took great pleasure in accepting what was then new clause 10, tabled by the hon. Member for Glasgow, North-West (John Robertson), who was in his place earlier but is not here now.

5.45 pm

That was right at the end of the Minister's remarks, and he then sat down, not giving Members the opportunity to press him on when that measure would come in or how it was to be funded. I took the opportunity afterwards to press him with some written questions, and he confirmed that it would not come into force until 2011-12, a year later than had been indicated in earlier written answers. The Government had not committed to introducing it in 2010-11, but they suggested that that would be the earliest available opportunity.

In a written answer about funding the measure, the Minister said:

> "We are confident that by the date of its introduction the Department will have re-prioritised annually managed expenditure to ensure that funding is available."—[*Official Report*, 23 March 2009; Vol. 490, c. 83W.]

Putting that together with his previous answer, he was effectively saying that he would take the money away from some other benefit to fund the change. He had not really found the money at all, he was just saying that by 2011 he would have worked out some way of paying for it. I can see why he did not particularly want to be pressed on the matter, and it is important that we put that on the record.

In answer to the question that the hon. Member for Northavon (Steve Webb) asked, in thinking about the future I have had some conversations with my hon. Friend the shadow Chief Secretary to the Treasury. I can confirm that if—subject to the voters—we were in government in 2011, we would indeed bring that measure forward and fund it from within the departmental budget. It will therefore go forward whatever the result of the general election.

Steve Webb: That obviously invites the same question that the hon. Gentleman has just put to the Minister. Would that be a net increase in overall spending, and if not, does he already know what he would cut to pay for it?

Mr. Harper: I will not outline our excellent policies in great detail, because that would be straying away from the amendments, but the hon. Gentleman will know the

[Mr. Harper]

impressive proposals that we have published in our work programme, such as getting people back to work and investing the savings that result. I am therefore confident that within the budgets that we have available, we will be able to fund that measure without having to cut any other programmes. I am pleased that people with a visual impairment can rest assured that this welcome measure can be introduced regardless of the result of the general election.

The Minister of State suggested that Lords amendment 23 might be of interest, and the hon. Member for Northavon has already mentioned it. It is about the power to uprate benefits following a review in the tax year 2009-10. It is an interesting amendment that prompts a number of questions. When Lord McKenzie introduced it in the other place, he made it clear that it was

> "intended to give the Government the flexibility to uprate the basic state pension by the commitment of 2.5 per cent. and to uprate other social security benefits as the Secretary of State thinks fit, even though the level of prices, as measured by the retail prices index, has not increased."—[*Official Report, House of Lords*, 22 October 2009; Vol. 713, c. 918.]

That prompts a number of questions, because the former Minister of State, the right hon. Member for Harrow, East (Mr. McNulty), said in the House of Commons on 11 December 2008, when he was making the annual benefits uprating statement:

> "We enshrined a 2.5 per cent. floor in the Pensions Act 2008, so if inflation goes down to zero, as some anticipate, there will always be at least that 2.5 per cent."—[*Official Report*, 11 December 2008; Vol. 485, c. 700.]

I was not aware of that change, so I consulted the Library, which does not believe that either the Pensions Act 2008 or the Pensions Act 2007 has been changed to give effect to that statement. It thinks that it was a non-statutory Government commitment. What the right hon. Member for Harrow, East said in the House does not seem consistent with Lord McKenzie's comments. Will the Minister confirm whether his colleague, the former Minister, may have inadvertently misled the House about the basis for the 2.5 per cent. uprating in cases where the retail prices index has not risen? If the provision is already in the Pensions Act, it is not needed to uprate the basic state pension, which is the main reason that Lord McKenzie gave for introducing it. I think that that was the basis of the point that the hon. Member for Northavon made.

The hon. Member for Northavon wondered why the change was a one-off, which would take effect for only the coming financial year. Lords amendment 23 is very specific. It is a new clause, entitled "Power to up-rate benefits following review in tax year 2009-10"—the current tax year. It provides that if

> "the general level of prices is no greater at the end of the period...than it was at the beginning",

the Secretary of State will have the power, looking at the national economic situation, to make changes to benefits in the following year. Of course, that is the year of the general election. That raises the question of whether we are considering a pre-election ploy or gimmick. Now that we have established that the general level of prices could fall or be zero, I cannot understand why no permanent change is being made to the Social Security Administration Act 1992, providing the power for the Secretary of State to make the judgment on an ongoing basis. I cannot understand why the decision is for one year only.

When the hon. Member for Northavon pressed the Minister, he gave a reply, but it did not answer the question. He said that he could not pre-empt the Chancellor's announcements in the pre-Budget report, but the hon. Gentleman had not asked him to do that. I might try to tempt him to do it—I know he will not go there—but the hon. Gentleman was not asking about rates of increase; he simply asked why the change was not permanent. As things stand, if by next September the general level of prices has not increased and inflation remains negative, and a Government nevertheless wish to increase the basic state pension or other benefits, it would be necessary to change primary legislation again. I do not therefore understand why the Government have not made the change permanent, and it would be helpful if the Minister explained.

I do not wish to tempt the Minister to go beyond his brief and say what other benefits the Chancellor might change in the pre-Budget report, but it might be useful if he gave the House some idea of what factors may be taken into account when setting those benefit rates. In the outside world, people who work have experienced a growth of only 1.6 per cent. in average earnings in the year to August—a reduction from 1.8 per cent. to July. In the private sector, pay growth is just 1.2 per cent., compared with 3.2 per cent. in the public sector. Those who have to go out and earn a living will expect that to be taken into account when Ministers set benefit levels.

The Minister mentioned council tax benefit and the change in the name, which we greatly welcome. I can do no better than repeat the words of my noble Friend Lord Freud, who said in the other place:

> "we welcome the government amendment."—[*Official Report, House of Lords*, Vol. 713, c.1108.]

He rightly paid tribute to the campaign that the Royal British Legion highlighted to focus on the fact that the benefit was really a rebate, and that if the language were changed, it would make a significant difference to pensioners' attitude to taking up what they are rightfully owed. He made the point that my right hon. Friend the Leader of the Opposition had pledged to support the change, and supported the amendment on behalf of our party in the other place. As the Minister rightly said, that amendment has cross-party support.

On Third Reading in the Lords, the Government accepted the amendment tabled by Baroness Turner of Camden to strengthen the change slightly by replacing "may" with "shall", and that toughened up the provision. I recognise that there are some significant challenges of detail to face, and I simply emphasise what I am sure is this House's wish that the process should get under way as quickly as possible so that the change can be made as soon as possible.

I conclude with an observation. In the debate on the previous group, I think that the Minister established a new parliamentary convention, which we may wish to call the Knight convention, whereby he set out the Government's approach of putting sticks in primary legislation and carrots in secondary legislation, with the special twist that carrots might now be introduced in primary legislation. I have no idea whether that will catch on and be put in "Erskine May" in due course, but it may be something that the right hon. Gentleman will leave behind for us all to enjoy in this House in the future.

Joan Ryan (Enfield, North) (Lab): I want to speak about Lords amendments 29 and 51. I join my right hon. Friend the Minister in paying tribute to the Royal British Legion and its work on changing the name of council tax benefit to council tax rebate. I, too, praise the work of Baroness Turner in the other place. I welcome the Government's clear commitment today to rename council tax benefit council tax rebate.

I heard what was said about cross-party support—and there has been such support—but without the Government's willingness to act and to accept the amendment, the Secretary of State's willingness to meet Chris Simpkins, director general of the Royal British Legion, and me, and the work of former Ministers, we would not be in this position today. I therefore thank the Government for their action today.

In the past year, I have worked with the Royal British Legion to get more veterans help with their council tax bills. We are considering dignity and respect in old age. We found that pensioners, especially many of our veterans, did not want to claim something called "benefit." They fought for their country, they have worked all their lives and they have paid their taxes, but now many forgo money that is rightly theirs simply because of the word "benefit." Words matter, and I am glad that the Minister acknowledges and understands that so well. It is not a subsidy, handout or benefit, but a rebate, and we needed to change the name.

I am delighted that the Government have given a clear commitment to changing the name of council tax "benefit" to council tax "rebate". That may sound like a small change, but it will make a big difference to tens of thousands of veterans and hundreds of thousands of pensioners. In my constituency alone, as many as 3,000 pensioners could be up to £600 a year better off—£12 a week. That may not sound like a fortune, but for someone living on £130 a week, another £12 makes a big difference. We need to do all we can to ensure that our veterans and our pensioners get the extra help as soon as possible.

I therefore hope that my right hon. Friend the Minister will say a few words at the end of the debate about when we can expect the change to come into force. The Government's commitment is crucial and welcome, but I would like a clear indication of when they will implement it. If we agree that changing a "benefit" to a "rebate" is important, surely we also agree that it is important to effect that as soon as possible. Having asked for that information, I thank the Minister again for the commitment that he has given us today.

Steve Webb: Like the right hon. Member for Enfield, North (Joan Ryan), I welcome that small step towards trying to improve take-up of council tax benefit. It is worth while, but it is very small step on a very long journey. My understanding is that council tax benefit is the social security benefit with the worst take-up rate of any in the entire system. As she said, many hundreds of thousands of pensioners, and indeed many veterans, are missing out on serious sums.

It has always struck me as absurd that we have a grotesquely unfair local tax system, which we then attempt to ameliorate with a hopelessly ineffective means-tested benefit. Calling it a "rebate" is entirely welcome and may encourage some who do not currently claim it to do so, and it is therefore a step in the right direction, but surely the better system would be to have a fair local tax system to begin with. If we did, we would not need council tax benefit—or indeed council tax rebate. That must be a better way to go.

6 pm

In the debate on this group of amendments, we have spoken about disability living allowance. One possible amendment is, as it were, the dog that did not bark. Will the Minister say where the Government are at on DLA reform? In another place, Ministers said that when a child is on DLA, a lone parent will not be sanctioned for not seeking work. There is some uncertainty whether that applies to people on the care component or the mobility component of DLA. We expected a Government amendment to implement that pledge, but none has been proposed. Will the Minister reiterate that when a lone parent has a child on DLA, they will not be sanctioned for not seeking work, and that that applies to both categories of DLA, not only the care component? Those who have lobbied on the issue would be grateful for a clear statement of the Government's position.

We have spoken about the RPI amendment. I must admit that I, too, am rather baffled about this. I am sure I can recall years in the recent past when Ministers have increased the state pension by more than the RPI, so it cannot be that the law—primary legislation—prohibits increases greater than that in the RPI. Therefore, current regulations cannot set a ceiling on increases. Why do we need statutory powers to go beyond a floor? As the hon. Member for Forest of Dean (Mr. Harper) said, it is confusing why the amendment is in the Bill at all.

Mr. Harper: I do not want there to be any lack of clarity. I understand why the Government needed an amendment. The Social Security Administration Act 1992 gives the Minister the power to lay an order only if there has been a general increase in prices. For the Minister to lay an order in the first place, there has to have been an increase, so if inflation is negative he does not have the power. The hon. Member for Northavon (Steve Webb) is right to say that if the Minister has the power, he makes the judgment on the level of increase, but he has to have the power in the first place.

Steve Webb: I have two concerns about that. Perhaps I asked my first question too quickly and the Minister did not understand. Why would we want to give the Minister the power only for the year starting 2010. Why would it not be a general power? The same situation might happen not next year but in a few years' time, and there may not then be a social security Act passing through the House onto which to tag the power. We are trying to give Ministers more powers and they are turning us down, which puzzles me.

Secondly, an interesting comment was made about the rate of increase. The hon. Member for Forest of Dean said, "Well, the Government have pledged 2.5 per cent. but people who earn their living will want to see benefits set taking account of the fact that average earnings increases are only 1 to 1.5 per cent. or so." He seemed to be implying—I will certainly give way to him if he was not—that the Government are going ahead with 2.5 per cent. because that is their promise, but that

[Steve Webb]

people in work would want the Government to have regard to 1.5 per cent. Was he saying that 2.5 per cent. is too big an increase? Otherwise, what was the relevance of the 1.5 per cent?

Mr. Harper: I was distinguishing between the pension increase, which, as the Government have lately set out, will be 2.5 per cent., which we welcome, and other social security benefits. They have been silent about how much social security benefits might be increased by if they use the same power. I wanted the Minister to lay out the sorts of things that they would take into account. Of course he will not be able to do that today—it will be a matter for the Chancellor—but it would be helpful if he could give some indication of the Government's thinking.

Steve Webb: I am grateful for that clarification.

The other issue in this group of amendments is the failed pilots. Actually, that description is rather uncharitable, and I do not like being uncharitable. A pilot that proves that a scheme is not a good idea is not a failed pilot, but a pilot: a scheme was trialled and tried, and proved not to be cost-effective.

I could not help musing that we have spent about an hour and a half this afternoon talking about a new sanctions regime, when we are repealing a sanction that did not work. It is great that the Government tried a sanction for offenders and discovered that it was more trouble than it was worth, and cost more than it saved. I cannot help wondering whether the Government might not learn from that experience in other areas. It is always easy to apply the rhetoric of being tough, penalising people and forcing them to do what they should do, but some sanctions can be counter-productive, and we have such a case before us this very afternoon.

In conclusion, broadly speaking, this is a very welcome group of amendments. Many outside the House would welcome clarification from Ministers on what they are doing about DLA, and whether the RPI power will be used in future—and if it will, why Ministers did not give themselves the power to do that in this legislation.

Bob Spink (Castle Point) (Ind): I rise to support this group of amendments generally and the renaming of council tax benefit as council tax rebate in particular. It is not a matter of gesture politics; it has real significance. I hope it will send a strong message to pensioners in particular to take up what is theirs by right. Hundreds of veterans and thousands of pensioners in my constituency could benefit from this refocusing, so I very much welcome it.

I join other hon. Members in pressing the Minister to state when it might come into force and urge the Government to take further action to increase pensioner take-up of income and support. For instance, take-up of pensioner tax credits is very poor, and I have run a campaign about it in my constituency twice in the past two years, but that is another debate.

The Minister is absolutely right and gracious to praise the Royal British Legion. Its campaigns have been excellent and I hope that the Government will continue to listen carefully to it. It speaks a lot of sense on a wide range of issues. I am happy to welcome this group of amendments.

Jim Knight: With the leave of the House, I shall quickly respond to the debate.

The hon. Member for Castle Point (Bob Spink) has just shown that we have genuine all-party support for the renaming of council tax benefit to council tax rebate, which I welcome.

The hon. Member for Northavon (Steve Webb) asked about DLA. We will exempt lone parents from conditionality when the child is on any rate of the care component of DLA. That will be achieved in secondary legislation. If there is a need for the Under-Secretary of State for Work and Pensions, my hon. Friend the Member for Chatham and Aylesford (Jonathan Shaw), who is no longer in the Chamber, to write to him with any more detail, I am sure he will do so, but that is the advice I have been given.

In respect of uprating, the hon. Member for Forest of Dean (Mr. Harper) is right that there is currently no power to make orders if the RPI is not positive, which is why it is necessary to make this change. We do not feel that it is necessary to give ourselves a continuing power, because ultimately we believe that the current situation of 0 per cent. RPI is exceptional, and the economic forecasts indicate that the RPI will return to positive growth next year, which would allow us the order-making powers we would need.

Mr. Harper: For the avoidance of doubt, will the Minister confirm that what his predecessor, the right hon. Member for Harrow, East (Mr. McNulty), told the House when he made the benefits uprating statement in December 2008—that the power to uprate the basic state pension by at least 2.5 per cent., even if inflation was zero, was in the Pensions Act 2008—is not correct?

Jim Knight: It is difficult for me to speak with absolute confidence in respect of what my right hon. Friend said, because I have not looked at the precise words, but he may have been referring to the reintroduction of the earnings link in the Pensions Act 2007. The 2.5 per cent. commitment is a non-statutory commitment, but it is of course carried forward in the amendment.

The hon. Member for Northavon raised some questions about failed pilot schemes. He was probably alluding to the debate on the previous group of amendments, in which we discussed the effective piloting of the lone parents sanctions regime. It is worth noting that the numbers of lone parents on lone parent benefit continue to fall, despite the recession, and that is with a more rigorous sanctions regime in place. So we have a degree of confidence that the principle of sanctions will work in this case.

I am grateful to my right hon. Friend the Member for Enfield, North (Joan Ryan) for her speech, as I am grateful for the work that she has done on campaigning for this change. She not only reinforced the importance of the campaign as a whole, but spoke up for the 3,000 of her constituents who will benefit from the change and demonstrated her continuing personal commitment to campaign for them.

My right hon. Friend asked the obvious question about timing. I cannot give her as exact a response as she would like. We are committed to making the change as soon as possible, but we are unable to commit to an exact time frame without first completing the detailed work needed to assess the practicality and costs involved, and that requires us to consult the local authorities to ensure that the change is introduced properly and effectively. For example, changes are needed to the 380 local authority IT systems and to DWP computer systems, including those that provide the essential link with the pensioners at the point of claim. References are also made to the name in a wide range of forms and leaflets. We have already begun the process and I hope that my right hon. Friend and others will understand and accept that, as yet, we cannot set out a timetable, but the commitment is there and the work has started.

The hon. Member for Forest of Dean asked a series of questions. He is right that when we pilot and we find enough evidence that something works, we should get on with it. On the other hand, if something is not working well, we should stop and, when it is next legislatively convenient, remove the powers. That is what we have done in this case, and he will see examples in which we assess quickly and get on with rolling things out more widely.

I was interested in the exchange on amendment 16 and can conclude only that we now have all-party agreement that we need to reprioritise annually managed expenditure into departmental expenditure limits in order to fund that.

I have responded to the main questions on uprating that the hon. Gentleman asked in response to what the hon. Member for Northavon said, and I will not be drawn into commenting on carrot and sticks at this point. I urge the House to agree the amendments.

Lords amendment 1 agreed to.

Lords amendments 3 to 27 agreed to, with Commons privileges waived in respect of Lords amendments 11, 12, 19 to 21, 23 and 25.

Clause 25

CONTRACTING OUT FUNCTIONS UNDER JOBSEEKERS ACT 1995

Jim Knight: I beg to move, That this House agrees with Lords amendment 28.

Madam Deputy Speaker (Sylvia Heal): With this it will be convenient to discuss Lords amendments 61 to 77, 79 and 80.

Jim Knight: We estimate that around 350,000 heroin and crack cocaine users are on some form of benefit in this country. We need to help these people overcome their dependence, take control of their lives and get back into work. As the House knows, we are discussing the part of the Bill that is establishing pilots to ensure that problem drug users engage with the rehabilitation process where their drug use is a barrier to work, and do so under threat of sanction. These amendments will improve the pilot design to assist people on this journey, and address concerns raised in both Houses.

The Government will provide additional support and treatment. In return, and in order to receive benefit payments—we will pilot this approach—claimants with a drug dependency that is a barrier to employment and who are not already receiving drug treatment will be required to sign up to a rehabilitation plan that will outline how they will engage with the help that is available to them to overcome their addiction. We are clear that doing nothing will no longer be an option.

If claimants take up treatment voluntarily, they will be offered a treatment allowance and a place on a new drug and employment support programme, which will provide integrated and personalised support for problem drug users on jobseeker's allowance or employment support allowance. That allowance will be paid to the claimant as long as they agree, via a voluntary rehabilitation plan, to maintain their treatment and take advantage of the additional support available. It will remove some of the normal conditions of entitlement for benefit in order to allow drug users the time and space to focus on their recovery. For example, it will mean that they will no longer have to tell a member of our staff once a fortnight that they are actively seeking work, when clearly they may not be doing so because of their drug problem. The allowance will be payable to the claimant for up to 12 months as long as they maintain their treatment and take advantage of the additional support available.

6.15 pm

If problem drug users are not already in treatment, and are neither prepared nor ready to engage with treatment services, they will be required to sign up to a rehabilitation plan that will direct them to attend a series of assessments and an educational programme, with the aim of encouraging them into treatment. However, if they fail to engage in these activities without good cause, they will be subject to benefit sanctions. It should be noted that where there are reasonable grounds for suspicion that problem drug use is an issue, claimants can also be mandated to attend these assessments.

If the individual attends the educational and motivational sessions and decides against treatment but signs that drug use is a barrier to work remain, they will be referred back to the assessment process. That ensures continuity of contact with treatment providers until such time as a person feels ready to receive treatment. It is important that those identified as problem drug users take the first steps on the journey to overcome their addiction.

If advisers have reasonable grounds to suspect that drug use is an issue, they can refer the claimant to an assessment with a treatment adviser to establish whether that is indeed the case. Should the claimant fail to attend the assessment on the grounds that they do not use drugs, prior to any sanctions being applied they will be offered the opportunity to take a drugs test to show that that is indeed the case—effectively, it would be an opportunity to clear their name in respect of their relationship with the adviser. If the test is negative, no further action will be taken. Should such individuals refuse a voluntary drugs test, and receive two consecutive sanctions for failure to attend the assessment, they will be mandated to a drugs test.

Proposed new paragraph 7A will tighten up the data-sharing powers considerably, in particular by preventing Jobcentre Plus from obtaining information about a person's medical and social work history. Amendment 67 also provides that the information provided by the police and probation service can be used only with those involved in administering the new programme.

Steve Webb: The Minister referred to places on treatment programmes, and we are talking not only about drugs in the traditional sense, but about alcohol abuse. Certainly my local service providers say that it can be easy to find money for drugs programmes, but hard to find it for alcohol programmes. Can he say something about the resourcing of places for treatment of people with alcohol abuse problems? Is his Department funding the provision of such places and can he give some idea about numbers?

Jim Knight: As the hon. Gentleman will know from the way in which I have described the amendments, we have principally designed the provision around people with problem drug use. He is right that it could be used in respect of people with alcohol addiction problems. We plan to look at the arrangements for people on benefit who are dependent on alcohol. We have commissioned new research and will carry out an internal review with the Department of Health that will consider whether arrangements similar to those for problem drug users should be introduced to require those who are alcohol-dependent to take up support to help them get back to work, but it is only once that research has been carried out and the review held that we will be able to make a definite commitment. At that point, we would have to find the resources to do it.

In summary, all these amendments are designed to help encourage problem drug users to engage with treatment services, with the additional help and support on offer through the benefit system. They are all designed to ensure that doing nothing about a drug problem is not an option without consequent loss of benefit. I commend the amendments to the House.

Mr. Harper: The Minister will know from reading the report of the debate in Committee that we were very supportive of the Government's proposals in this area and agreed that this is a significant problem. The Minister outlined the numbers—350,000 people on out-of-work benefits who are problem drug users for whom that is a barrier to moving into work. That is clearly a problem that people expect us to deal with. We had some clear discussions in Committee and both sides agreed that it needs to be dealt with, so we welcome the proposals.

The pilots will involve only a relatively small number of problem drug users—I think, from a debate in the other place, about 10,000. Will the Minister clarify how the pilots will be allocated across the United Kingdom? We had some good debates in Committee on how they will work in England, Wales and Scotland. There are many references in the Lords amendments to the rehabilitation plans. Obviously, there is a key dependency on health services in the different parts of the UK, and health, of course, is a devolved matter. One issue that came out in Committee concerned the different priorities in England, Wales and Scotland in rehabilitation provision. I think that Ministers in Committee accepted that effectively the pilots will happen first in England, then Wales and then Scotland. Have further discussions taken place between Ministers in the Department and Members of the devolved Welsh Assembly Government and Scottish Government about the pilots and how far the planning has got? For the pilots to be successful, and to give a good indication of success, they will need to be tried in the constituent parts of the UK. That would be helpful.

Returning to a comment that I made earlier about pilots, it is important quickly to understand whether the approach laid out in the Lords amendments will be successful, and if it will, to move on at a significant pace. The hon. Member for Northavon (Steve Webb) talked about alcohol problems, which we debated in Committee. There are powers in the Bill to deal with alcohol; the Government simply made the judgment that drugs are a more significant priority and should be dealt with first. They indicated, however—and Ministers have confirmed this—that alcohol problems would be looked at. We very much support that. I simply want the Minister to lay out how the Government envisage the pilots being spread across the different constituent parts of the UK. I think that the pilots are supposed to be for three years, and so will tackle only a relatively small part of the problem. If they are successful, we will have to consider how they can be rolled out. However, we support the amendments.

Steve Webb: I regard this group of amendments as making the best of a bad job. The provisions relating to drug and alcohol addiction are offensive and authoritarian, and it would have been better to take them out of the Bill altogether. The amendments make things slightly less bad, but the pilots will prove that we have an awfully long way to go before we get an effective response to the issues of drug and alcohol abuse.

I agree with the Minister that doing nothing is not an option. However, there is an incredible paucity of services, particularly for alcohol abuse, but in many cases for drug abuse too, and a lack of support for substance abusers and their families. There is a huge proactive, positive, supportive agenda that could have been implemented first. Then we could have returned to considering what threats and sanctions to apply to those who do not comply. Returning to sticks and carrots, there is an awful lot of carrot yet to be chewed on—to mix my metaphors.

The Minister used an interesting phrase. Once again, we are guilty of weasel words: he said that those who refuse to take a voluntary drug test will be mandated to do so. That does not sound terribly voluntary. If Ministers just come clean and say, "We are going to force people to take a test, and if they do not take it, we will take money off them", that is fair enough. That is a legitimate position—it is not one that I share, but it is one that the Government take. It is always striking, however, when the Government refuse to describe accurately what they are doing, perhaps because they are embarrassed about it.

If the Government are confident in the rightness of what they are doing, they ought to call a spade a spade. They ought to be clear about what they are doing. Let us consider the idea that it would be helpful for drug addicts to have less money because they will not take a test or accept treatment. We all know the consequences of people with persistent drug addictions not having as much money as they used to. Far from being tough and effective, that will create new victims of crime and will be an entirely negative and regressive step.

We certainly welcome the amendments to the extent that they soften measures that ought never to have been passed into legislation in the first place, but that is about all we can say for them.

Jim Knight: With the leave of the House, I shall respond as briefly as possible to the points made.

I welcome the welcome from the hon. Member for Forest of Dean (Mr. Harper) for the amendments. He asked about the pilots. The English pilots will run for two years from October 2010 in five Jobcentre Plus districts: Cumbria and Lancashire, west Yorkshire, Merseyside, Birmingham and Solihull, and central London. The selection of pilot areas has taken into account the number of problem drug users, the geographical, urban and rural spread, and the availability and choice of treatment. He is right to raise the point that there are different arrangements in Wales and Scotland. There have been ministerial and official discussions with the Welsh Assembly Government and the Scottish Parliament about the possibility of running a pilot in Wales and Scotland, and we are continuing with those discussions.

The hon. Member for Northavon (Steve Webb) accused me of weasel words, which I found most extraordinary—it is a mammal that I admire, but not one that I seek to imitate. Drug tests will be used in two scenarios. If a claimant refuses to attend a substance-related assessment on the grounds that they are not a drug user, they will be offered a voluntary drug test to show that that is the case. A person might be required to take one or more tests, if they have been referred for a substance-related assessment with a drug treatment provider and have failed to do so without good cause on two occasions. We cannot make them take the test, but we can make them suffer a benefit sanction for refusing to do so. In the end, it will be their choice to do it or suffer the sanction if they refuse. That is reasonable, because in the end they need to address their problem drug use if they are to get back into work.

On that basis, I hope that we can agree to the amendments.

Lords amendment 28 agreed to.

Lords amendment 29 agreed to.

Clause 31

RELEVANT SERVICES

The Parliamentary Under-Secretary of State for Work and Pensions (Jonathan Shaw): I beg to move, That this House agrees with Lords amendment 30.

Madam Deputy Speaker: With this it will be convenient to take Lords amendments 31 to 49.

Jonathan Shaw: It will be useful if I address amendments 34 to 37 first. These amendments restructure clause 33 and make subsequent changes to clauses 34 and 35 to reflect the restructuring of clause 33.

During the debates in this House and the other place, we listened carefully to the broad consensus that the wording of the Bill should more clearly signal the original policy intention that we set out in the welfare reform White Paper. The original wording of clause 33 was deliberately cast broadly to ensure that we could enable trailblazers to test innovative approaches to delivering the right to control. However, we recognise that the wording could set out more clearly that disabled people are at the centre of the right-to-control provisions.

Amendments 30 to 33, amendment 38 and amendments 44 to 49 remove the exclusion of adult social care for the trailblazers and create an order-making power with which the exclusion can be permanently removed depending on the results of a trailblazer evaluation. In the White Paper, we made clear our commitment to align adult community care services with the right to control. We also made clear our intention that disabled people will be at the centre of the right-to-control provisions. We outlined in Committee that adult community care services were originally excluded to avoid duplicating existing community care and direct payments legislation.

We have also made it clear that we deliberately cast the original wording of clause 33 broadly, to enable trailblazers to innovate and test the best ways to deliver the right to control. However, we recognise the importance of clarity in the Bill. We want the legislation to be clear, so that disabled people and local authorities know what the right to control means and what services are included. That is why we developed the amendments over the summer in co-production with Baroness Campbell of Surbiton and the Royal Association for Disability Rights to ensure that the legislation meets the needs of disabled people while retaining flexibility in delivering the right to control.

6.30 pm

We have also worked across government to ensure that the amendments to include the alignment with adult community care services do not compromise the existing community care legislation. We tabled the amendments in the other place, where they received cross-party support, with Lord Freud and Baroness Thomas adding their names to them. Baroness Campbell thanked the Government for the genuinely co-productive approach that we adopted in developing the amendments. I hope that support for the amendments is as universal in this House as it was in the other place.

Amendments 39 to 43 are technical amendments that are necessary to ensure that where Welsh Ministers have Executive competence over funding streams, they can make secondary legislation to bring devolved funding streams and services within the right to control. It was always our intention that Welsh Ministers would have the ability to make regulations in relation to devolved funding streams and services. Amendments 39 to 43 are necessary to ensure that the legislation accurately reflects our intention.

In summary, the amendments in the group are designed to ensure that the provisions accurately reflect our policy intention that the right to control will deliver genuine choice and control to disabled people over certain state funding that they receive. I commend the amendment to the House.

Mr. Harper: The Minister will not be surprised to know that the amendments in the group have the support of the Opposition. I am pleased that the Government accepted them in the other place and worked closely with Baroness Campbell of Surbiton on co-producing them.

The Government have effectively done what we urged them to do when we debated the issue in the Commons. The Minister will know, because he was the one dealing with part 2 of the Bill, that we pressed in Committee for the exclusion of community and social care services from the Bill to be removed. He is right; we highlighted the fact that the Bill included a broadly drawn power,

[Mr. Harper]

which sounded encouraging, that was narrowed substantially by the exclusion of community care services. When we pressed the Minister in Committee, the answer that he gave was about avoiding duplication or causing confusion. We pressed him on that, and I am pleased that the discussions that took place—presumably between the Minister's Department and the Department of Health—have been successful. He has confirmed that the pilots will be able to include community care services and that if those pilots are successful, as I very much believe they will be—

Jonathan Shaw: Trailblazers.

Mr. Harper: Yes, I must call them trailblazers. That is an important use of language, because it suggests to those running the schemes that that is how we want things to happen—it is important to recognise that there is cross-party support for the initiative. The trailblazers are being introduced to work out how best to do that; they are not pilot schemes that may or may not be successful. For those local authorities and other bodies that are thinking of implementing such programmes, it is worth knowing that there is a genuine commitment on both sides of the House to putting disabled people at the centre of the services provided to them and to having them being in control of the funding. That is an important message, so I am grateful to the Minister for heckling me and putting me right about calling the schemes "trailblazers".

The Minister also drew attention to the work done in the other House, which involved Baroness Campbell of Surbiton working closely with the Minister—Baroness Campbell and I have also had many discussions about the matter. With the Lords amendments in the current group, the Bill now looks in good shape. As I was saying before we had that little diversion, if the trailblazers are successful, Ministers will have the general power to get rid of the community care exclusion, so that when the schemes are rolled out across the country, we will see genuinely joined-up services.

One of the powerful things in this debate is that by taking money from different Departments, putting it together and giving it to the individuals concerned, thereby putting them in control and allowing them to spend it, we are likely to be more successful in joining up services and delivering them seamlessly, rather than having different Departments working alongside each other. I therefore welcome the amendments in the group that deal with that point.

The first set of amendments that the Minister mentioned deal with, as it were, changing the order of precedence. I welcome the fact that the way in which the amendments are worded now puts the disabled person at the centre of things and makes it much clearer that the local or other authority with which they are working has to work with them in partnership, which was not adequately reflected in the original wording. That is a step forward.

With those two changes together, we have an improved Bill. In particular, the right to control has the potential to change the lives of many disabled people significantly for the better and give them the opportunity to fulfil their potential. We therefore have no hesitation in welcoming the amendment.

Jonathan Shaw: I thank the hon. Gentleman for his comments. He is absolutely right that we are talking about trailblazers, not pilots. That is the policy intention. We have had the pilots and we have learned from them about what works and about those areas where we need to improve things. I appreciate, too, his words about our discussions with Baroness Campbell. I hope that the House will accept the amendments.

Lords amendment 30 agreed to, with Commons privileges waived.

Lords amendments 31 to 49 agreed to, with Commons privileges waived in respect of Lords amendments 31, 38, 44 and 48.

After Clause 43

REPORT ON OPERATION OF TRAVEL AUTHORISATION AMENDMENTS

The Parliamentary Under-Secretary of State for Work and Pensions (Helen Goodman): I beg to move, That this House agrees with Lords amendment 50.

Madam Deputy Speaker: With this it will be convenient to discuss Lords amendments 81 to 89.

Helen Goodman: Lords amendment 50 will help to ensure that Parliament can properly review the effectiveness of the Child Maintenance and Enforcement Commission's power to disqualify a non-resident parent from holding a travel authorisation without application to the court, where that non-resident parent has wilfully failed to pay child maintenance and other forms of enforcement have failed. Parliament's ability to make that review before the legislation comes into permanent effect will be the same as that already provided for in relation to the driving licence provisions.

Lords amendment 50 will ensure that reports on the operation of the driving licence and travel authorisation powers must be put before Parliament within six months of the end of a two-year review period. Based on the outcomes in that report, the Secretary of State will have the option of making the administrative system permanent or reverting to the existing court-based powers for either or both of those administrative powers. Any decision to maintain an administrative system must be made by an order subject to the affirmative procedure. Hon. Members will thereby have an opportunity to debate the success of each measure before a permanent administrative system is introduced.

The Government appreciate the movement that the Opposition have made on the issue and the support given to the amendment in the other place. I agree with my noble Friend Lord McKenzie of Luton that the amendment represents a significant workable compromise. I hope that hon. Members agree that the commission needs robust enforcement mechanisms at its disposal, so that the small minority of non-resident parents who refuse to support their children financially are made to comply. The amendment gives the commission the means to help it to achieve that.

Let me turn to the amendments concerning the joint birth registration provisions. Lords amendments 82 to 86 are technical amendments that are necessary to bring into effect new sections 2B, 2C and 2D of the Births and Deaths Registration Act 1953. These sections cover the processes to be followed in cases in which unmarried parents are acting separately, because they cannot or will not register jointly. The amendments seek to ensure that the processes to be followed by parents under our new proposals are as streamlined as possible.

Under the joint birth registration provisions, most parents will register together as they do now. However, in the exceptional cases in which parents cannot or will not register the birth together, they may be required to provide information separately to the registrar. In some of those cases, the mother will give the registrar her required information in advance of the father providing his details. At that time, she will also give details of the father to the registrar, so that the registrar can contact him and require him to co-operate with the registration process.

As the Bill is currently drafted, once the father has been contacted and confirmed his details, the mother would be required to return to the register office to sign the birth certificate. These amendments will ensure that the mother will not be required to return to the register office once the father has been contacted. Instead, she will discharge her duty to sign the register by signing a declaration when she first attends. Therefore, when the birth is registered, once the father's information has been obtained, the entry will be considered to have been signed by the mother.

Lords amendments 81, 87, 88 and 89 address an issue raised by the Delegated Powers and Regulatory Reform Committee in its report published on 30 April. New section 2B(1) of our provisions will enable the information given by a mother under section 2A about her child's father to be prescribed in regulations. This information is essentially contact information to enable the registrar to contact the man concerned in those exceptional cases in which a child's parents are not co-operating with each other.

As currently drafted, the power to prescribe this information lies with the Registrar General, rather than with the Minister, and it is therefore subject to no parliamentary scrutiny. However, the report made clear the Committee's view that the power is substantive in nature. The provisions under which the Minister has the power to make regulations are included in the list of relevant provisions set out under section 39A of the Births and Deaths Registration Act 1953, as inserted by this Bill. These amendments would include in that list of relevant provisions the regulation-making power conferred by new section 2B(1). They address the concerns of the Committee by seeking to ensure that the information given by a mother about her child's father is prescribed by the Minister and subject to the negative resolution procedure. I commend the amendments to the House.

Several hon. Members *rose—*

Madam Deputy Speaker: Order. The Minister has also made reference to other amendments in the group. The Lords amendment under discussion at the moment is Lords amendment 50, and the question is that this House agrees with Lords amendment 50.

Mr. Harper: I will be brief, Madam Deputy Speaker. I want to discuss Lords amendment 50 in relation to the travel authorisation provisions. I welcome the amendment from the Government. It follows a similar amendment that was tabled by my noble Friends Lord Freud and Lord Taylor on Report. There was a good debate on that occasion, in which Ministers made a commitment to return with a Government amendment. This amendment effectively delivers on that promise, and it was agreed with cross-party support in the other place.

This is a sensible amendment. I could never understand why the Government were treating the powers relating to driving licences and travel authorisations in different ways, but two good things have now happened. First, we are now treating them consistently and, secondly, because Ministers will have to report back to Parliament, the affirmative resolution procedure will give this House and the other place the appropriate powers to decide whether this significant sanction should be carried forward on a permanent basis. I welcome this Lords amendment and we give it our support.

Steve Webb: The Minister is right to say that this represents a concession on the part of the Opposition parties, which understandably had grave reservations about allowing officials to have the power to withdraw passports, rather than it being done through a judicial process. I have to say that those reservations remain, but at least we now have the promise of a review after two years, at which point the matter will return to the House. I hope that whichever Government are in power at the time will take seriously the lessons learned from that process and be willing to conclude that doing this through officials rather than through the courts is not the way to proceed, if the evidence suggests that that is the case. I hope that the pilot will be undertaken with an open mind, and a willingness to accept the argument, to which we still hold, that judicial protection for these important civil liberties should remain enshrined in practice.

6.45 pm

On the changes in regard to birth registration, I know that my hon. Friend the Member for Rochdale (Paul Rowen), who is unable to be here this evening, has taken a close interest in that issue and sought to persuade Ministers to re-examine it. I therefore welcome the fact that their lordships have tabled amendments to reflect the fact that joint registration can raise concerns, albeit in a small minority of cases, and that issues of domestic violence, among others, mean that the provisions need to be looked at again. I welcome the fact that the other place has sought to amend the Bill to take some of those concerns into account, and the amendments therefore have our support.

Helen Goodman: With the leave of the House, I am grateful for the agreement of the hon. Members for Forest of Dean (Mr. Harper) and for Northavon (Steve Webb). With respect to the measure on travel documents, I hope that the evidence that we have obtained from experience abroad will be replicated, but, as the hon. Member for Northavon has acknowledged, we will make a full assessment of the pilots and bring the matter back to the House, so that all hon. Members can take a view. I also hope that he is satisfied that we are incorporating sufficient safeguards—notwithstanding his dislike of the word "safeguards"—in the administrative approach, so that people who are affected by the measures will feel that their civil liberties are protected. I commend the amendments to the House.

Lords amendment 50 agreed to.

Lords amendments 51 to 102 agreed to.

HEALTH BILL [*LORDS*] (PROGRAMME) (NO. 2)

Motion made, and Question put forthwith (Standing Order No. 83A(7)),

That the following provisions shall apply to the Health Bill [Lords] for the purpose of supplementing the Order of 8 June 2009 (Health Bill [Lords] (Programme)):

Consideration of Lords Message

1. Any Message from the Lords may be considered forthwith without any Question being put.

2. Proceedings on any such Message shall (so far as not previously concluded) be brought to a conclusion two hours after their commencement at today's sitting.

Subsequent stages

3. Any further Message from the Lords may be considered forthwith without any Question being put.

4. The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—*(Mary Creagh.)*

Question agreed to.

Health Bill [*Lords*]

Consideration of Lords message

Clause 22

POWER TO PROHIBIT OR RESTRICT SALES FROM VENDING MACHINES

6.48 pm

The Minister of State, Department of Health (Gillian Merron): I beg to move, That this House agrees with Lords amendment 11A.

Madam Deputy Speaker (Sylvia Heal): With this it will be convenient to discuss Lords amendments 11B to 11G.

Gillian Merron: All the amendments were passed in the other place yesterday. They are consequential to the amendment tabled by my right hon. Friend the Member for Makerfield (Mr. McCartney), which the House accepted on Report on 12 October. My right hon. Friend and the hon. Member for Colchester (Bob Russell) tabled a series of amendments on vending machines on Report. Of these, only the substantive amendment was considered and accepted by the House. Amendments 11A to 11G make the necessary consequential changes.

As my right hon. Friend clearly explained to the House, the aim of the amendments was to remove the power to restrict sales of tobacco from vending machines. That meant that the national authorities in England, Wales and Northern Ireland would be able to make regulations only to ban tobacco sales from vending machines completely. As I have previously explained, vending machines are the usual source of cigarettes for 10 per cent. of 11 to 15-year-olds who say that they smoke—some 200,000 young people in 2007. These are the new recruits that the tobacco industry needs, to replace those who die. Throughout the passage of the Bill, we have heard many powerful arguments on the need to act, given that some two thirds of current and past smokers say that they started smoking regularly before the age of 18, and that smoking kills more than 80,000 people every year.

My right hon. Friend the Secretary of State for Health made it clear in his speech on Third Reading that the will of the House would be respected and that the Government would not seek to overturn the amendment in the other place. The amendment tabled by my right hon. Friend the Member for Makerfield and amendments 11A to 11G were considered in the other place and were accepted. The consequential amendments replicate the amendments tabled by my right hon. Friend on Report, but which were not reached. They ensure that the vending machine provisions are workable and achieve the full effect intended by the House. They also ensure that the provisions in clause 23 for Northern Ireland align with those in clause 22 for England and Wales. I can confirm that Ministers in both Wales and Northern Ireland are also committed to prohibiting the sale of tobacco from vending machines in accordance with the amendments.

Mr. Gordon Marsden (Blackpool, South) (Lab): I want to probe my hon. Friend on the proposal made in the other place yesterday by our noble Friend Baroness

Thornton. My constituency has one of the manufacturers, Duckworth Blackpool, that will be affected by the process. It employs 30 people. Our noble Friend was asked yesterday what proposals there might be for compensating those going out of business and for the jobs lost as a result. She said that she did not know the answer, but would let the House know. I wonder whether my hon. Friend can provide any more information on that.

Gillian Merron: I understand why my hon. Friend raises such an important point. As is usual, compensation will not be payable. I realise that that will be disappointing to his constituents, but I hope the fact that the measure will not come into effect until 2011 will be of some assistance. It would also be a wise entrepreneur, I believe, working in the tobacco industry who looks to broaden their activities in the current climate in which fewer and fewer people are smoking.

I have explained that the Government are fully committed to protecting our children from the damage caused by smoking and to supporting those who want to quit. The prohibition of sales of tobacco from vending machines represents a major step forward in achieving that aim.

Mike Penning (Hemel Hempstead) (Con) *rose*—

Madam Deputy Speaker: Order. May I say that I allowed some laxity in the previous intervention, but I must point out that the scope of this debate is very narrow indeed.

Mike Penning: Thank you, Madam Deputy Speaker.

Let me say from the outset that I fully understand the Government introducing the amendments. They bring Northern Ireland and Wales into the legislation. However, what a mess the Bill was in when it left this House as a result of the speed of the Government's U-turn on vending machines during its passage, particularly on Report!

In Committee, my hon. Friend the Member for Eddisbury (Mr. O'Brien) and I tabled amendments that would have restricted access to vending machines, yet the Government opposed those on the basis that the Secretary of State wanted to keep control of the provisions on vending machines. The Government did not at any stage of the Bill propose a total ban—until the last minute when the Whips clearly did a deal with the right hon. Member for Makerfield (Mr. McCartney), resulting in the obvious mess in the Bill as it went to the other place.

There, the noble Baroness Thornton said that this House had voted on a free vote on the ban on vending machines, but that was not the case. A free vote could have taken place only if there were a Division on that basis. A free vote was allowed for the Opposition, but it was certainly not a free vote for Labour Members, yet we had called for one for all the smoking debates.

With that in mind, when does the Minister expect to introduce the regulations, which will be subject to an affirmative resolution? When that happens, will there be a free vote on both sides of the House, which is exactly what should happen? We can certainly confirm that if we come into power, we will allow a free vote on all the smoking regulations. There will have to be an affirmative resolution, and let us hope that there is a free vote for the whole House.

The seven consequential amendments are understandable because of the mess the Bill was in when it went to the other place. We accept the amendments even if we are unhappy about how they were handled.

Dr. John Pugh (Southport) (LD): We have no difficulty at all with these consequential amendments.

Gillian Merron: With the leave of the House, Madam Deputy Speaker. Protecting young people from the damage and death caused by tobacco is indeed a very serious issue, which the Government are determined to address. Tobacco vending machines, we believe, reflect a time when shops closed early and people were not able to purchase cigarettes out of hours, which is no longer the case. We think it right and proper to give effect to the will of the House because those vending machines exist for the convenience and temptation of those who smoke and as a means of recruiting new young smokers. As I have said, prohibiting the sale of tobacco from vending machines will be a major step forward in tackling the very serious problem of children and young people having access to tobacco and in supporting those who want to quit. I should also say that the measure brings the UK into line with many other countries, including 16 other EU states, that have banned the sale of tobacco from vending machines.

Mike Penning: Will the Minister give way?

Gillian Merron: I think I am about to come on to the issue that the hon. Gentleman is likely to raise, but I will give way.

Mike Penning: The Minister is arguing for banning vending machines in a way that suggests that that was the Government's proposal all along, so I repeat that at no stage—on Second Reading, in Committee or on Report—did a Minister support what the she is saying now. Why have the Government changed their mind so quickly?

Gillian Merron *rose*—

Madam Deputy Speaker: Order. Before the Minister responds, let me remind the House again that this is not an opportunity to re-run the proceedings of an earlier debate. I said just a few minutes ago that the scope for debate on these amendments is very narrow.

Gillian Merron: I will take your advice, Madam Deputy Speaker.

Let me repeat a point made in an earlier discussion—that the evidence for action is clear; the issue is how fast we go and how far. The hon. Member for Hemel Hempstead (Mike Penning) suggested that the will of the Commons was not clear. I take issue with that. As to the vote on vending machines on Report, it is clear that the House determines its own rules and the Speaker presides over the House to ensure that those rules are followed. The Speaker ruled on the day; the record of the decision is in *Hansard*; the amendment was accepted—so that acceptance reflects the will of the House.

David Taylor (North-West Leicestershire) (Lab/Co-op): I think that the reaction on the Opposition Front Bench is a little churlish. Speaking as the chair of the all-party

[David Taylor]

group on smoking and health. I welcome the Government's living up to what they said they would do on Report. This is the right thing to do: it is the next natural step in a sensible tobacco control policy, and I congratulate the Government on implementing it.

Gillian Merron: I accept with thanks my hon. Friend's comments and congratulations.

On the regulations, it would seem wise to await the decision of both Houses before publishing them. By their very nature, however, they will be brief and very direct. They will indeed be subject to affirmative resolution. Whether or not it is a free vote is entirely a matter for the Whips on both sides of the House.

The consequential amendments will ensure that the vending machine provisions are workable and will achieve the full effect intended by the House.

Lords amendment 11A agreed to.

Remaining Lords amendments agreed to.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118 (6)),

Police

That the draft Ministry of Defence Police Appeals Tribunals Regulations 2009, which were laid before this House on 12 October, be approved.—*(Mary Creagh.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

That the draft Ministry of Defence Police (Conduct) Regulations 2009, which were laid before this House on 12 October, be approved.—*(Mary Creagh.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

Disabled Persons

That the draft Rail Vehicle Accessibility (Networks) Exemption Order 2009, which was laid before this House on 12 October, be approved.—*(Mary Creagh.)*

Question agreed to.

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith (Standing Order No. 119(11)),

EU Aid Effectiveness

That this House takes note of European Union Document No. 13732/09, Commission/ Presidency Paper on an operational framework for the EU to promote aid effectiveness; and calls on the Commission and Member States actively to implement its recommendations.—*(Mary Creagh.)*

Question agreed to.

REGIONAL SELECT COMMITTEE (WEST MIDLANDS)

Resumption of adjourned debate on Question (2 November),

That Mr David Kidney be discharged from the West Midlands Regional Select Committee and Mrs Janet Dean be added.

Question put and agreed to.

REGIONAL SELECT COMMITTEE (SOUTH WEST)

Resumption of adjourned debate on Question (29 October),

That Linda Gilroy be discharged from the South West Regional Select Committee and Roger Berry be added.

Question put and agreed to.

Petition

Equitable Life (North Dorset)

7.1 pm

Mr. Robert Walter (North Dorset) (Con): The petition relates to the Government's response to the parliamentary ombudsman's report on Equitable Life. I must declare an interest as a policyholder in the Equitable Life Assurance Society. As such, I might enjoy a financial benefit if the petitioners were successful in their endeavours.

The petitioners, who are my constituents, are policyholders in the assurance society, their survivors and their supporters. The petitioners state that, as policyholders, they have suffered maladministration leading to injustice, as found by the parliamentary ombudsman in her report of July 2008. Furthermore, they and those whom they represent have suffered regulatory failure on the part of the public bodies responsible from 1992 onwards, but have not received compensation for the resulting losses and outrage.

I have been handed 10 signatures in support of the petition. You are probably aware, Madam Deputy Speaker, that more than 400 members and former members of Equitable Life attended a rally here in Parliament last Wednesday.

The petition states:

To the House of Commons,

The Petition of residents of the constituency of North Dorset in the Dorset region of the U.K. regarding the Government's response to the Parliamentary Ombudsman's report on Equitable Life,

Declares that the petitioners either are or they represent or support members, former members or personal representatives of deceased members of the Equitable Life Assurance Society who have suffered maladministration leading to injustice, as found by the Parliamentary Ombudsman in her report upon Equitable Life, ordered by the House of Commons to be printed on 16 July 2008 and bearing reference number HC 815; and further declares that the petitioners or those whom they represent or support have suffered regulatory failure on the part of the public bodies responsible from the year 1992 onwards, but have not received compensation for the resulting losses and outrage.

The Petitioners therefore request that the House of Commons urges the Government to uphold the constitutional standing of the Parliamentary Ombudsman by complying in full with the findings and recommendations of her Report upon Equitable Life.

And the Petitioners remain, etc.

[P000420]

Free Fruit in Schools

Motion made, and Question proposed, That this House do now adjourn.—*(Lyn Brown.)*

7.4 pm

Mr. Mark Todd (South Derbyshire) (Lab): It is a pleasure to have such a long time in which to debate this subject; I had not expected that.

Free fruit and vegetables, such as carrots, have been provided for all infant-age children in English schools since the end of 2004. The introduction of the service followed pilots in 2000 and 2001 showing minimal delivery problems, strong support from children and staff, and even stronger support for the scheme as part of teaching children about healthy eating. I shall expand on the nature of the scheme, and on how it relates to the educational process and goes beyond health. The social process of distributing the fruit and eating it collectively was thought valuable, and there was a reported improvement in the ethos and atmosphere in classes.

Straddling the introduction of the national scheme, a major research project was undertaken, based on a large sample of schools in 2003, 2004 and 2005. It showed, predictably, that fruit consumption rose among those in the scheme, and fell back once children ceased to qualify, effectively to the level of the control group who had never been in the scheme. Sadly, it also showed that children from deprived areas consumed less fruit than those in more affluent areas even when it was available. However, a similar increase in consumption occurred while they were in the scheme.

Research by the National Foundation for Educational Research published in 2007 showed a material increase in the proportion of children consuming five portions of fruit and vegetables a day, but also showed that a pupil in year 3—the year immediately after the scheme ends—was less than half as likely to consume five portions a day as a younger child. Since, laudably, the Government have also been supporting improvements in school meals, it is hard to separate the benefits in terms of overall consumption of fruit and vegetables of the fruit scheme from those of other activities that the Government have supported, but the research suggested that those eating school meals, as opposed to packed lunches, were benefiting most.

It was also clear that the full benefits of dietary change, in combating obesity, would occur only if fruit and vegetable consumption was substituted for consumption of sweets and desserts. It was not clear that that was happening. In other words, children were often consuming the extra fruit and vegetables at school, but not necessarily cutting out the sweets and other items available to them. The full benefit of the additional fruit and vegetables was therefore not being felt.

It should not need to be explained why we should be interested in this issue. Fruit and vegetables provide critical vitamin and fibre intake for the body. Obesity in children both limits their ability to participate fully in school and threatens their health in the longer term. The staff of my hon. Friend the Minister will have been able to trace a chain of questions that I have asked since 2007. She nods in assent. Why have I been interested? Naturally the health policy arguments are persuasive anyway, but I was struck by something else: it is remarkable how popular this scheme is in schools, and how easily and efficiently it works.

Let me give an example. Last Friday I visited one of the smallest primary schools in my constituency, in the village of Shardlow. I did not mention that I would be raising this topic in the House. In fact, as the Minister knows, I did not know that I would be raising it, because the subject of my motion has changed. However—quite unprompted—the head mentioned the popularity of the scheme in the school. She said that it was one of the Government's great successes in education.

I have visited schools in which the scheme has been worked into classroom activities and integrated in the work of catering staffs, where they exist. In some of the small primary schools in my constituency there is no kitchen, but in many there is, and there is an opportunity to bring the work of the catering staff into the school My constituency recently produced the school cook of the year. It has a strong track record in school catering, which, as I have mentioned, is closely related to this area of policy of producing better nutritional standards for schools. There are regular references by head teachers and other staff to the scheme being a shared social activity. Eating fruit is a popular activity that can be linked to important subjects such as sharing and to getting across the nutritional content of fruit, while relating that to other parts of the school curriculum. Among many schemes that are seen by some to have burdened schools and to have had relatively limited effect, this is a shining star.

So when the European Union published a proposal to support a Europe-wide school fruit scheme stretching beyond our own and covering children up to the age of 10, I was delighted. Surely that would provide an additional incentive to extend the UK scheme. The total costs of extending the scheme to all primary-age children would be £84 million a year, according to a parliamentary answer given late last year. That would roughly double the cost of the scheme, which costs around £43 million now. The European Union has set aside an indicative sum of just over €11 million for UK participation in the scheme. As is normal, the EU insists that any funding it provides be matched; the money cannot be used to replace existing Government funding. The marginal cost to the Department, depending on the use of the funding by the other authorities within the UK—an excellent Scottish scheme broadly parallels the English version—would be a little over £30 million. For the health impact that that would have on millions of children, the associated educational benefits and—perhaps this is one of the origins of the European interest in this issue—the impact on the horticulture sector in this country, it seems a startling bargain.

We would have difficulty making an administrative mess; all the key structures and supply chains are already there and working effectively. The reason why the head at Shardlow drew this to my attention was that the delivery man had just arrived with the fruit. It was greeted with enthusiasm and he was asking for directions to a nearby school. The quality of the fruit was excellent and the scheme is popular with children. I have often asked the children which is the most popular fruit. Apparently, tomatoes are mentioned, although not enthusiastically, carrots are not enthusiastically eaten by tiny children, and apples and bananas are very

[Mr. Mark Todd]

popular. It is all working, something that cannot often be said of Government initiatives. We can build on it and we know it works. Little can go wrong. In policy terms, it is called low-hanging fruit—an easy target for policy development.

It seemed so obvious to me that I assumed that the Government were keen to press ahead too with extending the age range, but extracting answers about our intentions once the EU decided to proceed 12 months ago has been hard. In July this year, a parliamentary answer from my hon. Friend the Minister of State referred to

> "a number of pilots and evaluation projects currently under way that are looking at the school fruit and vegetable scheme".—[*Official Report*, 14 July 2009; Vol. 496, c. 233W.]

However, when I asked when those might be completed, my hon. Friend replied that there were no current pilots. Among the questions that I would like my hon. Friend to address is how this seeming confusion arose.

I can speculate. The scheme is very popular in schools. The Scottish Executive commissioned research that found that it was

> "one of the most successful initiatives of its kind"

with the only reservation being mine—that it did not cover more children. The scheme has strong support from horticultural interests, which could be a reason for the EU's enthusiasm, as agricultural interests are much more closely aligned with the political process in the EU. Yet the English scheme lies within the budget of the Department of Health, which inherited it from the lottery. I sense a policy orphan—a policy not invented here and not fitting precisely the strategies defined by the Department's team.

I have found a similar attitude locally: "It is a nice scheme which we are happy to see continue, but we are rather more enthusiastic about other strategies for dealing with child nutrition and obesity." Some of the examples in Derbyshire are focused on the extremity of need in children—on the very obese and those with severe problems with the nutritional content of their food. Those are highly expensive and focused programmes that are needed in many ways but cannot be seen as comparable to the universal fruit and vegetable scheme.

I would not argue that the school fruit and vegetable scheme is more than a part of a strategy for addressing the health of our primary-age children. Better school meals, stronger advice and labelling—I support a more aggressive approach to that for children's food—the promotion of physical activity, and support for parents through initiatives such as Sure Start which help build solid foundations for feeding children appropriately, all play an important part.

David Taylor (North-West Leicestershire) (Lab/Co-op): Will my hon. Friend add to his list two potentially very worthwhile initiatives: much tighter controls over advertising food, especially to children, and the reintroduction of free school milk to certain areas and certain groups of children?

Mr. Todd: On the first, I agree entirely. There are still examples of entirely inappropriate advertising, even with the tougher voluntary codes that have been adopted. Some of the links to merchandising have been broken. My son is big enough to be beyond this now—in fact he is bigger than me—but he used to link a lot of his eating patterns to merchandising for food products. Clearly that is very unhelpful to parents.

On the second element, I can remember having free school milk as a child. I thought it valuable and it was. It was focused on a particular requirement at the time—the poor calcium content in diets, which may well have been remedied in a rather more affluent age. I support my hon. Friend in giving some further thought to making that a part of our strategy.

The research to date gives a strong indication of where the scheme might help. Fruit and vegetable consumption falls sharply in school year 3, where the scheme ends. I will be utterly fair: the research suggests that there is a more complicated pattern than simply the termination of the school fruit scheme. It is not the case that because we stop giving out free fruit in year 3, all of a sudden the consumption of fruit and vegetables declines. It is not as simple as that, but that does appear to be part of the picture, and if we extend the scheme there is a reasonable chance that we can defer at least some of the change in the pattern of consumption among young people.

Nutrition is an increasingly large part of the curriculum in junior years. The scheme would be a powerful practical tool for reinforcing key nutritional messages, and for ensuring that fruit and vegetables are seen not as a supplement to a poor diet but as replacements for excessive consumption of less useful foods. As the school curriculum rolls on to later years, the important elements of this scheme could be utilised still more as an educational tool, and be linked in with the science curriculum in a school, so teachers could say, for instance, "By consuming more apples, you'll get more fibre. Why is fibre important?" That would carry through some of the key educational messages, many of which cannot be taught nearly so readily to very young children. Habits are more likely to stick in an older child.

I hope that my hon. Friend the Minister will address some of the questions that I have raised. I have referred to the complexity of this subject; it engages a remit wider than that of the Department of Health. Indeed, to some extent, the Department is an uneasy parent of the scheme. I would therefore like, first, to know what consultations have taken place with other interested Departments, such as the Department for Environment, Food and Rural Affairs and the Department for Children, Schools and Families. Secondly, what were the pilots my hon. Friend the Minister referred to in one of her parliamentary answers? Thirdly, what is happening to the European Union money being offered to this country? I agree that just over €11 million is not going to solve our Government's problems at a stroke, but it is nevertheless a material sum when contributed towards a key objective of this kind.

I am also interested in the age point, and the change in consumption that occurs then. What researched basis is there for favouring a scheme provided only to infants? I have talked about the year 3 impact—the drop in consumption of fruit and vegetables. We need to know more about this, and relate it to the scheme, which is a tool to address it. Is there any research that shows what changes happen at this point in a child's life, and how we can blunt them or, more optimistically, stop them happening, and thereby sustain the consumption of fruit and vegetables over a much longer period? If there is some doubt about the application of this scheme to older children, would it not be sensible to trial an extension to a broader age range to see what the effect is?

As I illustrated earlier in my speech, we have been used to trials on this subject. We did valuable work in testing how things worked, how effectively we could distribute the food, and what impact it really had on children and schools. We could readily trial this beyond the current age group. I very much look forward to hearing the response of my hon. Friend the Minister.

7.24 pm

Mr. David Drew (Stroud) (Lab/Co-op): I shall be brief. I am delighted to be able to support my hon. Friend the Member for South Derbyshire (Mr. Todd) in this very worthy debate, which has now been allocated three hours. That is not quite what he expected, and my contribution will certainly not fill those three hours—but I want to make a couple of points that I believe are pertinent. They follow on from the point made by my hon. Friend the Member for North-West Leicestershire (David Taylor) about free school milk.

Some of us remember the politics of free school milk, and also recall who took it away. I shall pass on from that, however, and instead say that one of the disappointing consequences of the removal of that service from younger children was its irreparably damaging impact on the milk industry. For a long time dairy farmers bore a grudge, because it was through them that we used to guarantee the supply of free school milk to primary school children. As someone who benefited from that, I can say with conviction that I think it was a sad day when that service was removed.

Instead of discussing that, however, I want to look at the advantages of extending the current five-a-day fruit scheme into schools, and especially the supply side advantages of that. I say that as someone who has initiated a number of debates about the advantages of local supply chains. Much though I want children to eat fruit, I also want local farmers and landowners to have the opportunity to supply that fruit, particularly where there are county farm estates so that there is a natural circle to be joined, in that the children take the advantage of having that fruit, and it is supplied by county council smallholdings. That would provide a real kick-start.

The only advantage of global warming is that we will be able to grow some things naturally in this country that previously we could not grow naturally. Much as I do not want global warming, we would be somewhat silly if we turned down this opportunity. Therefore, I want to hear from the Minister that there is some work going on with the Department for Environment, Food and Rural Affairs to see how we can secure such local food chains.

If we can do that for schools, we can do it for all manner of other local facilities. I am not calling for all that produce to be made freely available; I am just saying that this would be a wonderful way to kick-start the British horticultural industry, because it has a lot of potential, and at present too much of our fruit is imported from abroad when it does not need to be. If we get children accustomed to eating fruit, the demand that was initially satisfied through free provision might continue into later life, and other members of their family might also be tempted to go for five a day.

More importantly, this would encourage local suppliers. I am a great believer in farmers markets. Stroud farmers market is a great success because much of its produce comes from local suppliers of fruit and vegetables. This scheme would be another way of encouraging the industry to grow by allowing it to meet, in different ways, an important need.

David Taylor: This certainly would be a boost to the horticultural industry, and it would also enable it to save some species—species of apples and pears, for instance—that are in danger of dying out, as orchards are being grubbed up. The expansion of the scheme would allow for a variety and range of products to be maintained, and would help local horticulture.

Mr. Drew: I entirely agree. I have tried to keep local Gloucestershire produce going, and I think it is only right and fair that we should consider carefully how such endeavours might fit in with this scheme. I am merely asking for thought to be given to how we can not only expand the free food scheme into schools, but supply the free fruit. This has to come from DEFRA as well as the Department of Health. Although it is not the Minister's responsibility, it is the responsibility of the Government. As I have said, such an approach would do an enormous amount of good in encouraging the horticultural industry. As my colleagues know from their work on the various incarnations of the Select Committee on Environment, Food and Rural Affairs, that industry has been under an awful lot of pressure. This would be the greatest fillip. Whether the money comes from the EU or directly from our Government does not matter. What does matter is that we build on this success and ensure that we can take it forward.

7.30 pm

The Minister of State, Department of Health (Gillian Merron): I congratulate my hon. Friend the Member for South Derbyshire (Mr. Todd) on securing this debate on the important matter of the Government's provision of free fruit and vegetables in schools. I share the interest and passion that he showed for free fruit and vegetables in schools. He generously describes this Government scheme as a "shining star", and I welcome his support for it. On his recent visit to a school in Shardlow in his constituency, he saw exactly what I saw on a recent visit to Mount Street school in my constituency; we were both struck by the enthusiasm that the staff, children, parents and governors all shared for the school fruit and vegetables scheme. I am sure that it is why he has been joined by my hon. Friends the Members for Stroud (Mr. Drew) and for North-West Leicestershire (David Taylor), who have also shown enthusiasm and support for the scheme.

We all know that a healthy and balanced diet is critical to health and well-being. Only last week, I was glad to see the figures suggesting that childhood obesity is levelling off, and I am sure that my hon. Friends were, too. That is an impressive new trend but, as always, the challenge remains for us to help people of all ages to make the right choices and to make further progress, and that we will do. The five a day programme to raise awareness and promote the consumption of at least five 80-gram portions of fruit and vegetables was developed based on a recommendation from the World Health Organisation. That followed evidence that consuming

[Gillian Merron]

at least 400 grams of fruit and vegetables each day could reduce the number of deaths from chronic diseases by up to a fifth—what a prize that is. It is also estimated that diet may contribute to the development of a third of all cancers, and that increasing fruit and vegetable consumption is the second most important cancer prevention strategy that we have to hand, after cutting out smoking—we have just discussed that issue in the House.

Under the Government-funded school fruit and vegetable scheme, children aged four to six at local authority maintained infant, primary and special schools are given a free portion of fruit or vegetables on each school day. As my hon. Friend the Member for South Derbyshire rightly said, since April 2004 the scheme has been funded by the Department of Health. To use his terminology, we regard ourselves as an easy parent to the scheme and are very committed to it, not least because 2 million children throughout England receive a free portion of fruit or vegetables every day.

The scheme sits closely alongside a number of other actions that the Government are taking to improve children's health, including the following: the five a day programme, which continues to raise awareness to improve the level of consumption of fruit and vegetables among people in England and, thus, promote health and well-being; and the Change4Life scheme, which aims to raise awareness about diet and physical activity and to create what I would describe as a mass movement for change to help reduce obesity by helping to put across to people the need to eat well, move more and live longer—fruit and veg consumption is one of the key messages. There is also the free school meal pilot, which is a joint project—my hon. Friend is obviously interested in the work that we do across Departments—involving the Department for Children, Schools and Families and the Department of Health, who have jointly allocated £20 million over the next two years, and participating local authorities and primary care trusts, who are contributing the same in match funding

In addition, we have Healthy Start, which is a UK-wide statutory scheme providing vouchers to low-income families to spend on milk, fresh fruit, fresh veg and infant formula milk, and access to vitamin supplements via the NHS. There is also the national healthy schools programme, which is a joint initiative between the DCSF and the Department of Health that promotes a "whole school, whole child" approach to health. On nutritional standards in schools, the Government recently introduced very welcome standards for school food in all local authority maintained primary, secondary, special and boarding schools, and pupil referral units in England. The new standards will cover all food sold or served in schools. Each of those programmes—and other work that we do across government—supports children in increasing their fruit and vegetable consumption and in making the very necessary healthy choices.

I heard my hon. Friend's request for clarification about existing pilot schemes and about the extension of the scheme beyond infants. I apologise, Madam Deputy Speaker, for any confusion over answers to parliamentary questions, and I am grateful to him for bringing this to my attention. For complete clarity, the written answer that he has mentioned referred to free school meals, while the evaluation that he referred to relates to the school fruit and vegetable scheme. I am sure that he will be pleased to learn that the popularity of the school fruit and veg scheme has prompted some local education authorities and PCTs in England to take a local decision to fund its extension to seven to 10-year-olds. Those areas include Hull, where the scheme is funded by the city council; Liverpool, where it is funded by the PCT; and North Tyneside, where it is funded by the council. In addition, Sheffield PCT is also funding three schools in its area in respect of pupils aged 11 to 13, and I understand that it hopes to extend that to a further five schools in January 2010 and then to an additional five schools in April 2010.

Furthermore, one way in which we are planning to extend the scheme to more children and their families is by using the existing distribution network to promote child-friendly recipe cards, not only to four to six-year-olds, but to children up to the age of 10. We have already started doing this kind of work by using this scheme to distribute Change4Life information, which has secured an impressive response from families with young children. The school fruit and veg scheme, like other Government programmes, provides a firm foundation, which can be built on by local authorities and local health services, should they so wish.

I want to mention the comments made by my three hon. Friends. I heard their points, which were well made, about supporting British agriculture and the farming community. I assure my hon. Friends and the House that I have recently held discussions with the relevant Minister at the Department for Environment, Food and Rural Affairs about how we can do that still further.

Mr. Todd: My hon. Friend has referred to quite large-scale extensions of the schemes in various parts of the country, and I am very interested in their results, as I am sure she is. The test that I set was the extent to which we can reverse the problem of the drop-off in the consumption of fruit and vegetables in year 3, but in my constituency a number of schools have voluntarily extended the schemes to all their children. They have done so partly to make the schemes more inclusive and less divisive—these are popular schemes that are denied to older children—and partly because of the perceived benefits of the scheme to all children within the school.

Gillian Merron: My hon. Friend makes my point well for me. Of course, the scheme is a foundation on which others can build should they feel that it is appropriate, should they feel able to and should they wish to.

My hon. Friend the Member for South Derbyshire rightly pointed out that decisions must be made on the basis of proper evaluation. As we have heard, the National Foundation for Educational Research, in conjunction with the university of Leeds, has recently undertaken an evaluation of the school fruit and vegetable scheme, focusing on consumption levels and the dietary impact of the scheme. The next report is due to be published soon, and I look forward to sharing it with my hon. Friend and the House. Together with the Department for Children, Schools and Families, we are evaluating the pilot of the free school meals programme.

Let me now turn to the European school fruit scheme, which forms the substance of our discussions. The school fruit and vegetable scheme for England is a leader in Europe, and other member states seek to emulate it. No other EU country does what we do so extensively. I might say that we are at the top of the class when it comes to providing free fruit and vegetables to children every day of every school week.

I want to reassure my hon. Friend that the Government have not opted out of the scheme, which operates annually. This is just the first year of operation. Perhaps it will be helpful if I give a small amount of detail. Member states need to inform the Commission by 31 May each year whether they intend to submit a bid to take part in the scheme for the following school year. It is the EU's intention that the scheme can commence as early as the start of the academic year in September, although it recognises that that is a very tight timetable in which to get the schemes in place.

The situation is challenging, as agreement has only just been reached on the Commission's implementing rules, which were published on 7 April 2009. The Commission's accompanying guidance notes have only just been published in draft form. Furthermore, as this would be a UK-wide decision, it is important to note that the devolved Administrations have taken a similar view to England and have not submitted an expression of interest for this year's round.

It is also important to note that any EU funding will be time limited. We want to ensure that any proposal to the EU to extend or complement our school fruit and vegetable scheme is sustainable in the long term and fully integrated into the Government's policies to continue to support increased fruit and vegetable consumption and the promotion of healthy eating.

The school fruit and vegetables scheme is one of a number of measures the Government take to improve the nation's health. I appreciate the arguments in favour of extending the scheme—my hon. Friend expressed them effectively and clearly—but I hope that my hon. Friend appreciates that it is not possible for me to make a commitment to any extended programme, whether that involves match funding with the EU scheme or a stand-alone scheme, at this time. As I stated in answer to a parliamentary question from my hon. Friend last month, we have "no plans to extend" the scheme. I realise that that is not the response that my hon. Friend was hoping for, but I hope that I have reassured him that his speech has been well received, well made and well heard.

Question put and agreed to.

7.43 pm

House adjourned.

House of Commons

Wednesday 11 November 2009

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

WALES

The Secretary of State was asked—

Pensioner Poverty

1. **Jenny Willott** (Cardiff, Central) (LD): What discussions he has had with the Secretary of State for Work and Pensions on steps to address pensioner poverty in Wales. [298039]

The Parliamentary Under-Secretary of State for Wales (Mr. Wayne David): Government policies since 1997 have significantly reduced pensioner poverty in Wales, and across the United Kingdom. Working closely with the Welsh Assembly Government, our policies will continue to reduce pensioner poverty and promote dignity in later life.

Jenny Willott: I found living on the basic state pension just for one week, last week, extremely difficult. According to AXA research, 64 per cent. of people expect to rely on the state pension entirely for their retirement, which will result in double the number of pensioners in Wales living in poverty by 2033. Will the Minister work with his colleagues in the Department for Work and Pensions and the Welsh Assembly Government to raise the state pension to lift 200,000 people out of poverty in Wales?

Mr. David: With all due respect, what the hon. Lady has to remember is the tremendous amount of work that has been done by this Government to raise pensioners out of poverty and to help the poorest pensioners. Incidentally, I read the article in *The Western Mail* that includes quotations from her, and I must tell her that the poorest pensioners are not on £95 a week. Not one pensioner is on less than £130 a week. In addition, they get free prescriptions for drugs and free eye tests, there are free TV licences for the over-75s and there is free bus travel and dentistry for the over-60s. A lot of work is being done, and that good work will continue.

Mr. Stephen Hepburn (Jarrow) (Lab): I am sure that many of the pensioners in need in Wales will have worked a lifetime in heavy industry, and at this stage in their lives, when they need money, they would welcome the sort of compensation for pleural plaques that those in Scotland and Northern Ireland will receive. Will the Minister make representations to other Whitehall Departments to ensure that this anomaly is kicked out?

Mr. David: I hear what my hon. Friend is saying, and of course, I recognise what terrible diseases pleural plaques represent; constituents of mine have suf[illegible] from them. He can be certain that the Government will do everything legally possible to help those people.

Economy

2. **Mr. Adam Holloway** (Gravesham) (Con): What recent discussions he has had with ministerial colleagues and Welsh Assembly Government Ministers on the state of the Welsh economy. [298040]

4. **John Howell** (Henley) (Con): What recent discussions he has had with ministerial colleagues and Welsh Assembly Government Ministers on the state of the Welsh economy. [298042]

The Secretary of State for Wales (Mr. Peter Hain): I have regular such discussions. The bold, decisive and radical action that we have taken together over the past 12 months has ensured that this recession has not turned into a depression.

Mr. Holloway: Construction output is falling at about twice the national average in Wales. What can the Government do about that?

Mr. Hain: What we would not do is what the Conservative party would do, which is cut public investment. We have invested and we are continuing to invest £20 billion, some of which is coming into Wales, in construction and other infrastructure projects in order to fill the gap left by the private sector's inability to invest, given the worldwide financial crisis. Those are the polices that the Government are following and we will continue to follow them, despite the criticism by the Opposition.

John Howell: The three contenders for Rhodri Morgan's job appear to have only one idea between them for the economic recovery of Wales, which is tapping into Welsh universities. Although that is important, does the Secretary of State think it is a sufficiently comprehensive approach to the Welsh economy, or an example of Labour's inadequate response to Wales in a recession?

Mr. Hain: I realise that the hon. Gentleman has had to be briefed by somebody for this question, but it was pretty poor briefing. The truth is that the three excellent quality candidates—they are some of the highest calibre politicians in Wales—standing for the leadership of Welsh Labour are all committed to programmes such as ReAct, which seeks to support people who lose their jobs, and ProAct, which seeks to support people so that they do not lose their jobs, all of which are publicly funded by the Welsh Assembly Government. Those policies would come under severe threat if the Conservatives won the next election, because they are committed to massive public spending cuts in Wales.

Dr. Hywel Francis (Aberavon) (Lab): Employment prospects in my constituency and throughout south Wales would be greatly enhanced if the Corus Margam new mine were to proceed. Will the Secretary of State undertake to ensure that the Wales Office, the Welsh Assembly Government and the Department of Energy and Climate Change work together to ensure that all the practical assistance that can be made available to Corus is made available, so that the 35 million tonnes of excellent coking coal in the Margam area is made available?

Mr. Hain: I will certainly do as my hon. Friend asks, and I commend him for his action in support of the workers there. The project is very exciting: the idea is to create a Margam deep mine that will produce the coking coal that Corus needs, creating 500 highly skilled and well-paid jobs in the process. We have set up a taskforce, together with the Welsh Assembly Government and other relevant Whitehall Departments, to try to take forward this exciting project for sustainable coal production and for the sustainability of Corus's Port Talbot steelworks, which make such a massive contribution to the Welsh economy and the British economy as a whole.

John Smith (Vale of Glamorgan) (Lab): Now that planning permission has been granted for the defence technical college at St. Athan—at seven times the size of the millennium stadium, it is the largest development of its type ever in Wales—what assessment has my right hon. Friend made of the impact of this, the largest vocational training centre in the United Kingdom, on the Welsh economy?

Mr. Hain: It will have an enormous impact on the Welsh economy, and I commend my hon. Friend for his hard work in seeking to take that forward. On Remembrance day, we might ask the Opposition parties whether they will give an absolute commitment to support the project—[HON. MEMBERS: "Answer!"] I am answering. This will create the best and most highly skilled armed force training anywhere in the world. It is a world-class facility that will put our soldiers in a better position than any other military force across the world, and it needs all-party support. Perhaps the hon. Member for Chesham and Amersham (Mrs. Gillan) will give that support.

Adam Price (Carmarthen, East and Dinefwr) (PC): The number of net job losses in Wales announced today represents 20 times the number lost in Lehman Brothers in London. If that is the case, why have manufacturing companies in Wales received just a fraction of the support that the Government have invested in the bail-out of the City of London?

Mr. Hain: I would have thought that the hon. Gentleman would commend Welsh businesses and manufacturers on the fact that we are outperforming the UK average for exports, and the fact that employment in Wales is still 90,000 higher than it was when Labour came to power. Of course, manufacturing across the world has suffered as a result of the global financial crisis. That is why he ought to support the Government in the investment that we are continuing to take forward to support businesses and the economy, and to ensure that the recovery is sustained and that we return to the growth that we saw for 10 years under the Labour Government before the credit crunch.

Nick Ainger (Carmarthen, West and South Pembrokeshire) (Lab): Does my right hon. Friend recall that in January 1993, at the depth of the last Tory recession, the claimant count in Wales stood at 140,000? Last month in Wales, after the most sustained and deep global recession, it stood at only 78,000. Does not that show that the package that the Government and the Welsh Assembly Government have put together of a fiscal stimulus, bringing forward public investment, was absolutely the right policy, and that yet again the Opposition got it wrong?

Mr. Speaker: Order. The Secretary of State will, I know, focus his answer on the policy of the Government, not that of the Opposition.

Mr. Hain: I will be happy to do so, Mr. Speaker, not least because we have policies that are working, unlike the policies that so dismally failed Wales in the 1990s and 1980s. As my hon. Friend the Member for Carmarthen, West and South Pembrokeshire (Nick Ainger) said, we have learned the lessons from the recessions of the 1980s and 1990s. That is why we are investing, and it is vital for the Opposition parties to unite with us to continue to take forward that investment, instead of proposing sometimes savage cuts in the Welsh budget that will hit not just health and education but support for the economy, too. That would hit jobs. For all the difficulties with unemployment, unemployment is still significantly lower than it was during the 1980s and 1990s, because of this Government's action.

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): On Armistice day, I want to pay tribute to all our servicemen and servicewomen from Wales, and in particular to the 1st Battalion the Royal Welsh, currently serving in Afghanistan. We are for ever in their debt and safer because of their sacrifice, their bravery and their dedication. They can count on the support of all of us in this House.

As a new nuclear power station at Wylfa would provide much-needed quality jobs in an area devastated by the closure of Anglesey Aluminium, I am pleased to endorse the Secretary of State's welcome for the project. However, what discussions has he had with the First Minister in the Assembly, who has contradicted him and is opposing any new nuclear build in Wales?

Mr. Hain: I join the hon. Lady in paying tribute to our soldiers, especially on Remembrance day. As for the nuclear power project on Anglesey, Wylfa B, my hon. Friend the Member for Ynys Môn (Albert Owen) has lobbied me hard on this. We are working together to ensure that we can take it forward. I am very pleased that the Secretary of State for Energy and Climate Change has prioritised it, and I know that the Welsh Assembly Government candidates standing for the Labour leadership, and therefore for the First Minister's position, have all supported the Wylfa B project. I shall continue to work with them, whoever is elected, to take that forward.

Mrs. Gillan: But there is a real problem with the Secretary of State's party's position. He is supporting Wylfa but the First Minister is against it. I admit that Mr. Jones—the frontrunner to succeed the First Minister—is in favour, but the Labour Assembly Minister for Environment, Sustainability and Housing, Jane Davidson, is against it and wants a public inquiry. Are not these dangerously mixed messages to be sending out over such an important project for the Welsh economy?

Mr. Hain: No, not at all, because the decision is taken by the UK Government. It has not just my backing but that of my right hon. Friends the Secretary of State for Energy and Climate Change and the Prime Minister, and it also has the redoubtable backing of my hon. Friend the Member for Ynys Môn. We intend to take the project forward in the future, and I am sure that when we do, it will have the backing of the Welsh Assembly Government. I would like the hon. Lady, instead of giving us mixed messages on the defence training college and other crucial projects in Wales that need Government support, to join me in backing them.

Social Care Green Paper

3. **Ann Clwyd** (Cynon Valley) (Lab): What discussions he has had with ministerial colleagues on the implications of the social care Green Paper for people in Wales. [298041]

The Parliamentary Under-Secretary of State for Wales (Mr. Wayne David): As my right hon. Friend is aware, the Government are carrying out a detailed consultation on the social care Green Paper. The Government's aim is nothing less than the creation of a national care service, and where there is overlap with the Welsh Assembly Government there will be full co-operation.

Ann Clwyd: As my hon. Friend knows, 17 per cent. of people in my constituency are on incapacity benefit—one of the highest percentages of disabled people in the UK. Many people are concerned that the proposed changes will threaten their allowances. Will he assure them that they will not be worse off under the proposals?

Mr. David: The whole issue of the reform of the welfare state is extremely topical, and incapacity benefit is one element of that. I know that a number of hon. Members are concerned about attendance allowance, but there is an important principle that needs to be stated. Whatever the outcome of the consultation, people receiving attendance allowance at the time of reform will receive an equivalent level of support and protection under any new system. We will make changes to attendance allowance only if we can support people's care needs better in the new system. That is our objective.

Hywel Williams (Caernarfon) (PC): The Minister talks about consultation, but I asked his colleague the Secretary of State for Health the other day about what consultation was being undertaken. There was full consultation in England, but in Wales there was only some consultation with unnamed Assembly officials. Is he satisfied with that, when the very future of attendance allowance and disability living allowance for older and severely disabled people is probably in jeopardy?

Mr. David: The national care service will encompass all parts of the UK. Detailed consultation is taking place in all parts of the UK, and in the next week or so I will meet Gwenda Thomas, the Deputy Minister for Health and Social Services. We will talk about what consultation there can be in Wales, how the ideas of the Welsh Assembly Government can be fed into our deliberations, and how we can make sure that we are all pulling together in the same direction for the benefit of the people of Wales.

Mrs. Betty Williams (Conwy) (Lab): When my hon. Friend has those discussions, will he please raise the concerns of my blind constituents about whether they will continue to receive disability living allowance when they reach the age of 65?

Mr. David: The Government have already ruled out incorporation of disability living allowance for the under-65s. However, I hear the point that my hon. Friend makes and I will make sure that her comment is fed into the representations and discussions that take place.

Mr. Roger Williams (Brecon and Radnorshire) (LD): The Minister will be aware of the consternation that the consultation has caused in Wales and throughout the UK. It is becoming much clearer that the Government will not have the opportunity to act on the consultation before the election, and that they are highly unlikely to have the opportunity to do so after it. Will the hon. Gentleman therefore talk to his colleagues and ensure that the consultation is scrapped? In doing that, he would give some comfort to vulnerable people in Wales.

Mr. David: With all due respect to the hon. Gentleman, I do not think that we can scrap the consultation, which is vital if we are to tackle one of the biggest social issues of our time. We cannot pretend that these issues will go away: they cannot go away, and Labour Members are determined to get the policy right. That is why we are having the consultation. It is fundamentally central to our approach, because we believe in helping people to live in dignity in their own homes—unlike the Opposition, who would rather shift people into residential care homes.

Welsh Defence League

5. **Paul Flynn** (Newport, West) (Lab): What recent discussions he has had with the Secretary of State for the Home Department on the activities of the Welsh Defence League. [298043]

The Secretary of State for Wales (Mr. Peter Hain): Both the Home Secretary and I are strongly opposed to the racist, fascist policies of the Welsh Defence League, and I commend the Welsh people who united so effectively to drive that vile group out of our communities.

Paul Flynn: Following the empty threat from that phantom organisation, was it not marvellous to see the way that Newport Christians, Muslims, Jews and political parties united in a magnificent vigil and demonstration that proved once again the marvellous record of racial harmony and solidarity in our city?

Mr. Hain: I agree; it was fantastic that the whole leadership of the people of Newport combined to say that we do not want such a nasty, racist and poisonous influence in our community. It is worth reminding the House that some of the individuals who lead the Welsh Defence League and its equivalent—the English Defence League—have serious criminal convictions for violence and other nefarious activities. They are not the sort of political groups that we want anywhere in our communities in Wales.

Mrs. Siân C. James (Swansea, East) (Lab): I fully endorse the words of my hon. Friend the Member for Newport, West (Paul Flynn), because when faced with the vile threat of the form of racism that the Welsh Defence League is peddling, we in Swansea were united: myself, other politicians and citizens in Swansea stood firm against that and said quite clearly, "We don't want it here. We are a community, and we'll stand together with everyone in the community." Will my right hon. Friend join me in congratulating those people who stood together?

Mr. Hain: I will happily do so; my hon. Friend, too, was right there on the front line, saying on behalf of the people of Swansea whom she represents that, as my hon. Friend the Member for Newport, West (Paul Flynn) said at the time, the presence of the Welsh Defence League in Swansea is not welcome, and that we will continue to campaign hard not only to drive those groups out of our communities but to deal with the problems of housing and job insecurity that they seek to exploit on behalf of their vile beliefs. *[Interruption.]*

Mr. Speaker: Order. There are still far too many private conversations taking place on both sides of the Chamber. I understand that right hon. and hon. Members are keenly anticipating Prime Minister's questions, but this is a very solemn day in the national calendar, and I appeal to Members to behave in a way that reflects credit on the House.

Offender Management

6. **Angela Watkinson** (Upminster) (Con): What recent discussions he has had with the Secretary of State for Justice on offender management in Wales. [298044]

The Parliamentary Under-Secretary of State for Wales (Mr. Wayne David): The Secretary of State and I regularly hold such meetings. For example, I recently met the Minister of State, Ministry of Justice, my hon. Friend the Member for Liverpool, Garston (Maria Eagle) to discuss the importance of a new prison in north Wales that would have a positive impact on offender manager in that area, by enabling prisoners to remain close to their families—a proven factor in reducing reoffending.

Angela Watkinson: Does the Minister accept that the number of prisoners from north Wales would have to treble to meet the Ministry of Justice criteria for building a new prison there?

Mr. David: I understand from the hon. Lady's comments that she is against a new prison in north Wales. There is a strong case for such a prison. One of the central factors is, of course, that it would not only serve north Wales, or Wales as a whole, but receive prisoners from the north-west of England, so its catchment area would be far wider.

Julie Morgan (Cardiff, North) (Lab): Is my hon. Friend aware of the success made in Wales in tackling offending by women—in particular, the success of the Women's Turnaround Project, based in Cardiff, which aims to stop women reoffending and going to prison? Will he congratulate that project?

Mr. David: I am aware of that project and the excellent work that takes place. The needs of women prisoners must be at the very top of our agenda, and I am pleased to say that they certainly are.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): May I first associate myself fully with the words of the hon. Member for Chesham and Amersham (Mrs. Gillan)? On offender management, does the Minister realise that the £24 million cut in the probation service budget for England and Wales means that over 90 per cent. of newly qualified probation officers in Wales will not be offered a job? In his next routine meeting with the Ministry of Justice, will he show his concern about that terrible statistic?

Mr. David: It is important that we have a modernisation agenda and ensure that the probation service is as effective as possible—I believe that that is happening—and I welcome the fact that, as I understand it, the hon. Gentleman is to serve on an inquiry panel that has been recently set up by the Howard League for Penal Reform. I am sure that he would agree that we must ensure that a disproportionately large number of ex-service personnel do not enter our prisons.

Albert Owen (Ynys Môn) (Lab): The Minister will be aware that in its report on prisons in Wales, the Welsh Affairs Committee was unanimous in its support for a new prison in north Wales. Equally, we were disappointed that the Caernarfon site was deemed not suitable. Does the Minister agree that we need to build a consensus across the local authorities to identify suitable sites, because the economic benefit of a new prison will be immense in terms of jobs?

Mr. David: My hon. Friend is correct. There will be an enormous economic benefit to the area that is fortunate enough to have a new prison. I am pleased that my hon. Friend had a successful meeting yesterday with my right hon. Friend the Secretary of State. There is a common agenda that we can work on and take forward.

Mark Williams (Ceredigion) (LD): Further to the question from the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd), will the Minister consider the case of Dyfed Powys probation service, where only one of seven trained individuals has been given a full-time job, and six have been given temporary contracts until next March? What assurance can the Minister give us about funding after next March?

Mr. David: That very much depends on what happens when the general election comes, and the result of that general election. One thing we can be certain about: if the Conservative party gets into power, we will see catastrophic cuts in the Prison Service, the probation service and elsewhere. That is the stark choice that we face.

Mr. David Jones (Clwyd, West) (Con): Further to the question asked by my hon. Friend the Member for Upminster (Angela Watkinson), the Ministry of Justice has made it clear that it is looking for a number of 1,500-place prisons, and that they should be located in the areas from which the most prisoners come. Since only some 650 prisoners in the entire system come from north Wales, is there not a concern that the exercise that the Ministry is conducting may be a cosmetic one? Will the Minister and the Secretary of State use their good offices to ensure that the Ministry of Justice is fully aware of the pressing need for a new prison in north Wales?

Mr. David: I find the logic somewhat perverse. The early part of the hon. Gentleman's comments came across to me as an argument against a prison in north Wales. But it is very important that we all pull together; we have the same argument. We recognise, as my hon. Friend the Member for Ynys Môn (Albert Owen) said, that there is an economic case to be made for a prison in north Wales. There is also a need to ensure that prisoners from north Wales who speak Welsh are actively catered for.

Future Jobs Fund

7. **Nia Griffith** (Llanelli) (Lab): What recent assessment he has made of the effects on levels of employment in Wales of the future jobs fund. [298046]

The Secretary of State for Wales (Mr. Peter Hain): The £1 billion future jobs fund is already creating 4,200 jobs where they are most needed in Wales. Nearly 1,500 jobs will be created in Carmarthenshire and Swansea alone, helping many of my hon. Friend's young constituents to find jobs.

Nia Griffith: Will my right hon. Friend join me in congratulating Carmarthenshire Training on its success on securing a good cross-section of employment opportunities from private sector, third sector and county council employers, and encourage it in its future bid for another 190 jobs? Will he do everything he can to encourage other council departments and employers to provide similar opportunities?

Mr. Hain: Yes, I am happy to congratulate Carmarthenshire on an excellent bid, which I was delighted to announce recently. I also join my hon. Friend in saying that we need more top-quality bids. That is why I have written to fellow Members of Parliament in Wales saying, "Please encourage your county councils and training providers to come forward with vital job schemes, because young people who lose jobs or who have never worked, as we saw in the 1980s and1990s, may never work in their lives. We must make sure that we provide them with the support now to get them into work." *[Interruption.]*

Mr. Speaker: Order. The decibel level now is completely unacceptable. The House must come to order.

Chris Ruane (Vale of Clwyd) (Lab): Thank you, Mr. Speaker. I shall try to raise my decibel level for you. Does my right hon. Friend agree that in times of economic downturn, what the public are looking for is the helping hand of Government intervention, such as the future jobs fund, city strategy and "Fit for Work" initiatives. What they do not want is laissez-faire, let the recession—

Mr. Speaker: I think we have got the general drift.

Mr. Hain: I think you will be pleased to know, Mr. Speaker, that my hon. Friend has helped to spearhead one of the most successful job creation projects in his town of Rhyll. It is based on a city strategy project, which has won an important scheme under the future jobs fund. That is exactly the point that he makes. We need a Government not who will cut spending, but who will continue to invest to make sure that we recover from the recession and move forward into growth. Cuts policies will not achieve that.

Training and Employment

8. **Ann Winterton** (Congleton) (Con): What recent discussions he has had with ministerial colleagues on measures to promote training and employment in Wales. [298047]

The Parliamentary Under-Secretary of State for Wales (Mr. Wayne David): Safeguarding jobs and improving access to training is, of course, a priority. In Wales, economic summits have led to an additional £20 million to support apprenticeships and the Welsh Assembly Government budget provides for a further £20.5 million to deliver education and training for the young people hit hardest by the recession.

Ann Winterton: Unemployment in Wales is rising faster than anywhere in the United Kingdom, while manufacturing capacity and output is going in the opposite direction. May I suggest to the Minister that he examine the small to medium-sized business sector, because such companies are best able to get finance and take on people who are properly trained, and best fitted to assist with the very high unemployment rates in Wales?

Mr. David: The situation in Wales is nowhere near as bad as it was in the 1980s and 1990s when the hon. Lady's party was in power; that is something that the people of Wales will never forget. Moreover, people recognise that we are on the side of the people. We are introducing measures that are having a material impact on people's lives and on the Welsh economy. The people of Wales appreciate that. If a different party were in power, the people of Wales would certainly regret it.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [299022] **Miss Anne Begg** (Aberdeen, South) (Lab): If he will list his official engagements for Wednesday 11 November.

The Prime Minister (Mr. Gordon Brown): Today is the first Armistice day we have commemorated since the last surviving members of our armed forces who fought in the first world war passed from our midst. The whole House will want to pay our tribute to them and our tribute to the succeeding generations of our men and women who have paid the full price for our freedom. Today we also pay a special tribute to the outstanding work across the generations of the Royal British Legion.

The whole House will also wish to join me in expressing our profound condolences to the families, the friends and the colleagues of those members of our armed forces who have lost their lives in Afghanistan. Today we mourn, from 1st Battalion the Grenadier Guards, Warrant Officer Class 1 Regimental Sergeant Major Darren Chant, Sergeant Matthew Telford and Guardsman James Major; from the Royal Military Police, Acting Corporal Steven Boote and Corporal Nicholas Webster-Smith; from 3rd Battalion the Rifles, Acting Serjeant Phillip Scott; from 2nd Battalion the Rifles, Rifleman Philip Allen; and from 4th Battalion the Rifles, Rifleman Samuel Bassett. As we remember them, and the debt that we owe them, we remember and honour the courage and the selflessness of all our armed forces now serving in Afghanistan. Each day we can be extraordinarily proud of their professionalism, their dedication and their bravery.

Miss Begg: I am sure that the whole House will want to associate itself with the Prime Minister's condolences and, on this Armistice day, to express our gratitude to all the brave men and women who have died in the service of our nation over the years. But we also have to think of those military personnel who are currently serving. Therefore, what is my right hon. Friend doing to make sure that our troops have enough of the right equipment, and can he tell us when we can expect the decision from our American allies about their troop deployment in Afghanistan?

The Prime Minister: We are the first country to have agreed to send additional troops for the next stage of the mission in Afghanistan, and we are seeking to persuade other countries to join us in this. I have an assurance from the chiefs of staff that every one of our armed forces who serve in Afghanistan are and will be fully equipped.

I have also talked to President Obama, and I expect him to announce in a few days what his numbers for Afghanistan will be. At the same time, I am talking to President Karzai to make sure that large numbers of Afghan troops are recruited who are able to be trained by the British forces. Our strategy is to train up the Afghan forces so that they are in a position to take responsibility for their country.

As for equipment, the extra money that we are spending means that there are more vehicles in the field and more helicopters going into the field. As I have said, I have an assurance from the chiefs of our forces that every serving member of our armed forces who goes to Afghanistan will be not only fully trained but fully equipped for the job.

Mr. David Cameron (Witney) (Con): I join the Prime Minister in paying tribute to Serjeant Phillip Scott, Rifleman Philip Allen, Rifleman Samuel Bassett, Warrant Officer Class 1 Darren Chant, Sergeant Matthew Telford, Guardsman James Major, Corporal Steven Boote and Corporal Nicholas Webster-Smith. As the Prime Minister said, on this Armistice day we should remember all those servicemen and women who have given their lives in the service of our country. Their sacrifice must never be forgotten.

I join the Prime Minister in praising the work of the Royal British Legion. All of us know from our constituency surgeries that it is one of the most effective organisations for looking after the families and those who have served, and everyone in this House, I know, will want to pay it a tribute today.

Today, the youth unemployment rate has reached a record high in our country. Almost 1 million young people—that is one in five—cannot find work. The Prime Minister once promised "to abolish youth unemployment". Does he accept that he has failed?

The Prime Minister: I am pleased that the right hon. Gentleman allows us to discuss today employment opportunities for young people, because we are the Government who introduced this summer, knowing the problems that young people faced, the summer school leavers' guarantee. It has meant that tens of thousands of young people are now able to be in education or training or in work, where otherwise they would be unemployed. That was opposed by the Conservative party.

We have also made it clear that young people who are 18 to 24 will get help, if they are unemployed, to get back to work, and already 95,000 young people are getting the help that is necessary, so that soon they will have the training and work that is necessary for them to get back to work. I have to say about the youth unemployment figures that the right hon. Gentleman quotes that 250,000 of that number are full-time students looking for part-time work, and they are not fully unemployed. No Government in Europe are doing more to help young people who are out of work.

Mr. Cameron: The Prime Minister is living in a parallel universe. The figures announced today are that there are 943,000 young people who cannot find work in our country. He talks about other European countries; the whole of Germany has 537,000 young people unemployed, and France has 765,000. We, I repeat, have 943,000. He said:

> "Our plan is nothing less than to abolish youth unemployment."

Anyone must accept that he has failed. He also promised full employment. In fact, unemployment is up by almost 500,000 since he came to power. He promised that no young person should spend years without a job. In fact, the number of young people unemployed for more than a year has gone up by 50 per cent. Does he accept that on any of these yardsticks—youth unemployment, total unemployment, the amount of time young people are unemployed—he has failed?

The Prime Minister: No; there are 700,000 more young people in work than in 1997. Nothing that the right hon. Gentleman can say can change the fact that there are more people in full-time education and in work under this Government than there were when we took over. As for youth unemployment, he knows perfectly well that the rate of youth unemployment in Spain is 40 per cent and that the rate in Ireland is nearly 30 per cent. What we have tried to do, facing a situation in which young people face the prospect of unemployment, is to give them jobs, but every measure has been opposed by the Opposition. They opposed our summer school leavers' guarantee. They opposed the new deal efforts for 18 to 24-year-olds and want to abolish the new deal in its entirety. They oppose education maintenance allowances. Nothing that they would do would make unemployment lower; it would make unemployment higher.

Mr. Cameron: As ever, the Prime Minister is completely wrong. Our plan to get Britain working will help more people and help them more quickly, and it is fully funded, because we have taken tough decisions about the deficit. The Prime Minister ought to know about it—after all, it was drawn up by David Freud, who was his welfare guru, one of the many people who have left the bunker and come to work for us. *[Interruption.]*

Mr. Speaker: Order. I say to Government Back Benchers that the Leader of the Opposition must be heard.

Mr. Cameron: Is it not the case that the state of the public finances is so bad that the Government are planning deep cuts in every Department, including those responsible for helping the unemployed?

The Prime Minister: Let me say that we have put £1 billion into the future jobs fund to provide 100,000 jobs for young people, with another 50,000 in areas of high unemployment. I simply ask the right hon. Gentleman, does he support our measure or not?

Mr. Cameron: We have set out schemes far greater than anything that the Prime Minister has come up with. If we want to spend a little time on the Prime Minister's schemes, what about the mortgage rescue scheme, which was meant to help thousands? How many has it helped? Just 16 families. What about the capital for enterprise fund? It was meant to transform British businesses. How many has it helped? Just five. What about the asset-backed securities guarantee? How many assets has it backed? None—zero. The Prime Minister says that he is investing money, but I have here a leaked memo from the Department for Business, Innovation and Skills. *[Interruption.]* They do not want to listen. It is 11 pages, and the Prime Minister has got a copy, too—it was sent to Peter Mandelson, so it must be important. It calls for a cut in apprenticeship rates of 10 per cent., a cut in the adult learning budget of 10 per cent. and a cut in development loans of 50 per cent. Does that leaked memo not tell us that, far from the Prime Minister's mantra about investment, he is planning cuts, because of the mess he has made of our finances?

The Prime Minister: Every time we mention policy, he loses it. The right hon. Gentleman cannot answer the question about whether he supports the measures that we are taking now to help young people back into work. As for his claims about mortgages, all the forecasts were that repossessions would be at the level of the 1990s, but they are half that level. The reason the mortgage rescue support scheme has not had a lot of people on it is that it has not had to be used, because we have helped them in other ways. The scheme was the fall-back option if we could not help people in other ways. Every time that the right hon. Gentleman tries to talk about policy, he does not have a clue about what is happening.

Mr. Cameron: The fact is that the Prime Minister's policies are not working. The people who have lost out are the 943,000 young people who have lost their jobs under his Government. He has given us the deepest and longest recession since the war and the fastest rising unemployment. Why cannot he admit—*[Interruption.]*

Mr. Speaker: Order. Government Back Benchers are far too excitable. They must calm down. We want to get some Back Benchers in on these exchanges.

Mr. Cameron: They know they have got a party leader who has lost it. Why cannot the Prime Minister admit what everybody knows to be true—that the Government are having to make cuts? Let me read to him what the Chancellor of the Exchequer says about him:

> "I am trying to talk sense into that man. He just doesn't get it—going on about 'Tory cuts' is not going to make an impact on the electorate… The voters aren't stupid—they know how bad the economic situation is".

Will the Prime Minister finally acknowledge that he is planning cuts in departmental spending next year, 2010?

The Prime Minister: Once again, not one policy from the Opposition. The right hon. Gentleman says that we are cutting apprenticeships, but we are increasing them. He says that we are cutting opportunities for young people, when 10,000 more young people went to university this year. He says that we are trying to cut opportunities for people who are unemployed, when we are giving them more opportunities. He was wrong on the recession, wrong on every aspect of bank restructuring, wrong about helping home owners and wrong about helping people into jobs. He is now wrong about youth unemployment and everything affecting young people. He is wrong about every policy on the economy.

Mr. Cameron: This Prime Minister told us, "No more boom and bust", yet he presided over the biggest boom and the biggest bust; he told us that we were the best prepared for the recession, yet, unlike others, we are still in recession. He has given us the fastest rising unemployment and the biggest bust. Take the official figures for public spending, take off what you are planning to spend on unemployment benefit and on debt, and departmental spending is being cut by 0.7 per cent. The Prime Minister asks about policy; we have said what we would do about public sector pay and pensions. We have the courage of our convictions; the Prime Minister has neither courage nor convictions.

The Prime Minister: The right hon. Gentleman gave a cast-iron commitment on Europe, and what happened to that? He gave a cast-iron commitment last week to the national health service, and what is going to happen to that? He is giving a cast-iron commitment on what he will do for young people, but he cannot match what we are doing for young people now. He opposes Sure Start, he opposes education maintenance allowance, he opposes child tax credits, he opposes the new deal and he opposes everything that will get young people back to work. The Conservatives were responsible for the highest level of unemployment this country has seen, and they would put us back to that if ever they were given the chance. That is why people want a Labour Government that is working.

Shona McIsaac (Cleethorpes) (Lab): On Sunday, the family of 18-year-old Jimmy Major paraded through the streets of Cleethorpes to attend a Remembrance day service; a couple of miles away in Grimsby, the family of Matthew Telford were doing the same; and yesterday the families were at Wootton Bassett for the return of their sons. Given this loss and the loss through the generations, on this, Armistice day, does my right hon. Friend share the concern expressed by 200 Members of this House at the desecration and vandalism of war memorials to the fallen? Will he meet me and other Back Benchers to see what we can do to ensure that that never happens again?

The Prime Minister: I echo exactly what my hon. Friend has said about the way that different communities in this country have come out in support of, and to honour, those people who are heroes to them and to us, who have given their lives serving in Afghanistan. What happened yesterday at Wootton Bassett and what is happening in the towns and villages where the servicemen who died come from is, again, an outstanding tribute of the British people to our armed forces.

I think it is important that we never forget the sacrifices that have been made. That is why it is important that the war memorials are kept up to the standard that is necessary. That is why we have made funding available for the upkeep of memorials—£1.5 million since 2005—and other additional money from the Heritage Lottery Fund, but of course I will meet my hon. Friend and any Members who are concerned about the state of war memorials in their communities. It is absolutely crucial to the future of our nation that we never forget the service of those who died to make us free.

Mr. Nick Clegg (Sheffield, Hallam) (LD): I am sure that most people will recognise the genuine sincerity, as always, of the sympathy and condolence that the Prime Minister expressed on all our behalves to the family and friends of those who tragically lost their lives, not only in Afghanistan, but in previous conflicts. I, of course, add my own expressions of sympathy and condolence to the families and friends of Warrant Officer Class 1 Darren Chant, Sergeant Matthew Telford, Guardsman James Major, Acting Corporal Steven Boote and Corporal Nicholas Webster-Smith, who were killed in that terrible incident last week, and to the families and friends of Serjeant Phillip Scott, Rifleman Philip Allen and Rifleman Samuel John Bassett, who tragically lost their lives in Afghanistan this week.

How is it possible, in the middle of a recession, with unemployment at 2.5 million and rising, that this Government—a Labour Government—should be planning to change local housing allowance rules to take £15 a week from some of the poorest people in Britain?

The Prime Minister: This Government have done more to take people out of poverty than any Government, and we have taken people out of poverty by giving them tax credits and improved housing benefits. I do not believe that the figures that the right hon. Gentleman has given me are accurate. This is a Labour Government who want to help people into work and help people who are in work.

Mr. Clegg: That response beggars belief—they are the Prime Minister's figures. How would he feel if he was on £80 a week and the Government came along and said, "We're going to take £15 of that away"? This is going to hit up to 300,000 of the poorest people in this country and it will not save the Treasury any money. It took him months to do the right thing—the U-turn—on the 10p tax rate fiasco. Will he now look at this measure, stop it, and stop it now? Will he do that—yes or no?

The Prime Minister: This is the man who talked about savage cuts in public services. What we are trying to do is to reform housing benefit in a way that helps those who are most in need. What we are also trying to do is to use our resources to help those who are unemployed get back into work. If the right hon. Gentleman is talking about proposals on housing benefit, he is talking about proposals for consultation—no decision has been made.

Alan Simpson (Nottingham, South) (Lab): Despite the robust rejection that he received from the United States, may I congratulate the Prime Minister on his attempt to advocate the case for an international application of the Tobin tax on speculative capital transactions? At a time when nation states are manifestly failing to meet the funding obligations that they have made on the eradication of poverty, the delivery of food security and climate change mitigation, will he go back to the international community and again make the case that we should tackle speculators, if we are to deliver the programmes that will save the planet and transform the prospects for our future?

The Prime Minister: This is a first; it is the first time that my hon. Friend has supporte[illegible]onomic policy. Even though the Leader of the Opposition opposes this, we will have to face up to the social responsibility of the banking system. We will have to face up to the responsibilities that financial institutions have at a global level, in a situation in which we have global financial markets and not national financial markets. Therefore, we will have to consider measures that bring the financial institutions in line with the values that are held by the vast majority of people round the world. That means that we will have to consider an insurance fee against banks collapsing and our having to pick up the bill. We have to look at contingent capital liabilities and whether there should be a resolution fund in case of crises to resolve or a financial levy, such as has been discussed before. These measures are now on the table and have to be discussed. I make no apology for putting them on the agenda: in the long run, it is the only way that we can solve the problem of the social responsibility of world banking to the community.

Q2. [299023] **Tim Loughton** (East Worthing and Shoreham) (Con): A year ago today, we heard the verdict in the baby Peter case and started to understand the horrors behind that tragically short life. Ministers rightly said that it should never happen again. Today the Local Government Association has produced a report showing that 60 per cent. of local authorities are struggling to retain and recruit key child protection social workers. We know how demoralised the profession is—social workers are shackled to computers and spend 80 per cent. of their time on bureaucratic procedures. Why should vulnerable children in this country today feel any safer than they did two years ago with the death of baby Peter, or nine and a half years ago with the death of Victoria Climbié in equally tragic circumstances?

The Prime Minister: As a result of the tragedy of baby P and the action that we took in Haringey to change the whole management of the services there, we also set up the inquiry by Lord Laming, who looked at all the issues related to the assessment and proper care of children. Our determination to ensure that children are protected from harm is enshrined in the recommendations of his report. We confirmed that changes that had been recommended by Lord Laming will be made. We have accepted and implemented all his recommendations, and that is the basis on which we want to ensure that vulnerable children across the country are protected. I believe that there is wide support in the House for the recommendations of that report, and we are implementing them.

Q3. [299024] **Mr. Ken Purchase** (Wolverhampton, North-East) (Lab/Co-op): As the number of people progressing into very old age increases, the Prime Minister will agree that it is necessary to take measures to protect them properly, unlike—unfortunately—many Tory and Lib Dem councils, which are closing care homes and evicting very elderly people, such as 106-year-old Mrs. Louisa Watts in my constituency. She loves her—

Mr. Speaker: Order. I must say to the hon. Gentleman that we cannot have an essay: we need a question with a question mark.

Mr. Purchase: She is hanging on against all the legal measures being taken by the council, and I ask the Prime Minister if he will make room in the Queen's Speech for a measure that will properly protect very old people in our country. In the meantime, will he ask the Secretary of State to look into her case particularly?

The Prime Minister: We are publishing a national care strategy to help those people who are in need of help in old people's homes, as well as those who receive help in the community. I urge my hon. Friend to be part of the consultation so that we can agree on the right legislative measures, so that every old person has the dignity and security that they want in retirement. Having heard of the case of Louisa Watts and her friends at the care home, I hope that the council will reconsider and accept the generous offer that is being made to it to keep Louisa Watts and her friends in their home for another year.

Q4. [299025] **Mr. Andrew Mackay** (Bracknell) (Con): Is the Prime Minister comfortable with the fact that nine of his ex-ministerial colleagues have written to him to say that his proposals to scrap tax relief on child care are wrong and immensely damaging to working women?

The Prime Minister: We have said—I repeated this yesterday to a meeting and again this morning—that nobody who is receiving tax relief for child care vouchers will lose it. That assurance, which I make here and which was made yesterday as well, is one that people will welcome. At the same time, we want to expand nursery care for two-year-olds and create a situation in which nursery education runs into primary and secondary education from two to 18. However, no Government have done more to advance and support child care in our country, and we shall continue to do so in the next few months.

Q5. [299027] **Jim Dobbin** (Heywood and Middleton) (Lab/Co-op): My constituent Jean Edwards died recently after falling ill in Turkey. Her family have received a bill for £100,000 for the private care that she received. The travel insurance did not materialise. Will the Prime Minister look at a report out soon by the Law Commission recommending reforms to the insurance industry across the insurance spectrum? It is providing a draft Bill, and it would be interesting if that were looked at in future legislation.

The Prime Minister: First, I send my condolences to the family and friends of Jean Edwards, my hon. Friend's constituent, who tragically fell seriously ill in Turkey and shortly after died. The Law Commission is looking at this matter now. It is an important area in protecting the consumer, and he is right to raise it as an issue that has to be dealt with in future laws. We will consider the Law Commission's proposals very thoroughly and with other priorities for legislation at the right time. However, I commend him for raising this important matter where a change of law is obviously needed.

Q6. [299028] **Mr. Andrew Pelling** (Croydon, Central) (Ind): We have seen our normal weekly clash. Would it be nice to have all the party leaders on the same political platform at the next general election by having, at the same time, a referendum on European Union membership? After all, that would release the poison, and relieve the distortion, that this unanswered question puts into British politics.

The Prime Minister: The real Tory party speaks! The Leader of the Opposition made a cast-iron commitment to hold a referendum. What faith can the public have in any promise that he makes now?

Q7. [299029] **Mr. Elliot Morley** (Scunthorpe) (Lab): The news today of the biggest rise in the number of people in employment for 18 months is good. However, in my constituency there have been many job losses, particularly in the steel industry. One company told me that the greatest help that it has received has come from the effects of the fiscal stimulus, public sector investment in building and infrastructure, and training. As we begin to see an improvement in the economy, will my right hon. Friend assure me that he will continue to support manufacturing?

The Prime Minister: I agree absolutely with my right hon. Friend that the help that we have been able to give to small businesses, as well as low interest rates, have been vital in helping the Grimsby economy and all economies in this country. I also remind him that 200,000 businesses, including those in Scunthorpe and Grimsby, have benefited from the help that we have given. That would not have been possible, if we had followed the ideas of the Opposition.

Mr. Roger Gale (North Thanet) (Con): On 1 October, the European Commission served notice on the United Kingdom Government that they are in breach of European law for failing to pay disability living allowance and other exportable benefits to expatriate UK citizens. Will the Prime Minister now give the order so that these elderly and frail men and women, some of whom have served in our armed forces, get the money that they need and deserve?

The Prime Minister: I shall look into that matter and write to the hon. Gentleman.

Q8. [299030] **Mr. Brian Jenkins** (Tamworth) (Lab): My right hon. Friend will be aware of the recent discovery in Staffordshire of the largest collection of Anglo-Saxon gold ever found. Will he give his backing to a plan to create in the region a Saxon tourist trail and support the *Tamworth Herald* campaign to bring this gold to be displayed in the ancient Saxon capital of the kingdom of Mercia—the town of Tamworth?

The Prime Minister: My hon. Friend makes a very strong case for the gold going to Tamworth, but the British Museum is concerned to ensure that it remains in the west midlands and available for people to see, if not use.

Mr. Gerald Howarth (Aldershot) (Con): I met Corporal Steven Boote in Aldershot shortly before he deployed with the Royal Military Police, together with two of his colleagues. Yesterday I received an e-mail from one of those colleagues, in which he expressed his devastation at the loss of his colleague Corporal Boote, but also said, "We are winning in the job we are doing out here." Will the Prime Minister please ensure that he and his Government get that positive message across to the media and the British people about what our fantastic troops are doing out in the field as we speak?

The Prime Minister: I say and say again that we are so proud of the work that our troops do in Afghanistan—they are committed; they are brave; they are utterly professional. What we have to do is show people, first, why we are in Afghanistan—that there is a chain of terror that comes from the Pakistan-Afghan mountains that could threaten the streets of London. Then we have to show people that, with the great commitment, energy and expertise of our armed forces, we have a plan to ensure that the Afghans can take more control of their own affairs, so that over time our troops can come home. I applaud the extreme bravery of every member of our armed forces in Afghanistan, particularly in the most difficult circumstances, where three quarters of deaths are due to explosive devices.

Q9. [299031] **Phil Wilson** (Sedgefield) (Lab): A recent survey for the Commonwealth Fund of 10,000 physicians in 11 developed nations said that the NHS offers the best primary health care in the world. Will my right hon. Friend take this opportunity to explain to the House that the NHS is safe in this Government's hands, but would never be safe in the hands of the Opposition?

The Prime Minister: Yesterday we were able to say that personal guarantees will be made to patients and families from the NHS that they will receive cancer treatment if necessary within two weeks by seeing a consultant, that they will receive hospital operations if these are needed within 18 weeks and that they will have GPs available in the evenings and at weekends. That is how a modern health service must work, ensuring that personal services are available to every person in the country. It is unfortunate that those guarantees, which we are prepared to make, the Opposition oppose.

Q10. [299032] **Mr. Phil Willis** (Harrogate and Knaresborough) (LD): The Prime Minister will know that there are about 1.3 million carers, who do the most fantastic job looking after people, often 24/7. This year £50 million was allocated by the Prime Minister to support respite care, but only 10 per cent. of that has been spent. In my primary care trust area, £365,000 is available, but only £3,600 has been spent. What will he do to ensure that carers get the respite that they need and not simply another headline?

The Prime Minister: First, let me thank the 6 million carers in our country for the work that they do, often under the most extreme pressure to help and be at the side of their relatives. We are determined to do more over time to help all carers, ensuring that their pension arrangements are better and that they have the respite care that the hon. Gentleman talked about. We have set aside the money; I want to see it spent. It is a necessary means by which we can support the energy of carers, who need time off, and therefore need respite care to be available. I will ensure that I look at the facts that he has given me.

Skills for Growth

3.33 pm

The Minister for Business, Innovation and Skills (Mr. Pat McFadden): With permission, Mr. Speaker, I wish to—*[Interruption.]*

Mr. Speaker: Order. May I just ask right hon. and hon. Members who are leaving the Chamber to do so quickly and quietly? We have an important statement and I know that Members will wish to hear it.

Mr. McFadden: I wish to repeat a statement made by my noble Friend the Secretary of State for Business, Innovation and Skills on our policies for skills and their role in our future economic growth.

An active Government approach to equipping the country for globalisation means ensuring that we have the skills that underwrite the industries and jobs of the future. That means skills for the high-tech, low-carbon, more high-value-added sectors that drive the growth that underwrites everything else that we want to achieve as a society. These skills are becoming more sophisticated and even more vital.

I also start from the position that skills in our society must always be an individual's ladder up. That is why the skills system needs to mesh with our university system. We need schools and colleges to make a strong vocational offer, which will lead to a clear vocational route from apprenticeship to technician to foundation degree and beyond.

Equipping unemployed people with the skills that they need to get jobs in key sectors will be essential to a strong recovery. Let us remember that by equipping more of the domestic population with the right skills to compete for jobs, we help employers to become less reliant on migrant labour. Addressing these skills challenges has been the focus of our skills strategy in recent years, and it remains the foundation on which our new policies build.

We recognise that skills have historically been an area of British competitive weakness. Since 1997, we have made real progress in tackling the economic and social scandal of adult illiteracy and innumeracy. We will not abandon our promise of basic skills for all. We have eradicated much of the poor quality that blighted our further education system. We have transformed work place training through Train to Gain, which has trained more than 1 million employees and helped them to get on in work. We have revived apprenticeships, which were allowed to wither away in the '80s and '90s. The Apprenticeships, Skills, Children and Learning Bill, which is before the House today, will ensure that this progress is sustained.

This skills strategy builds on the progress made. It reflects some important decisions and marks a radical shift in the balance of our skills priorities. It reflects the world we find ourselves in: a world where higher level skills have never been more important to our growth, and where the skills challenge has to be tackled within more constrained resources. So we have made some difficult choices. The crisis help that we targeted to help to counter the effects of the recession will progressively be refocused on the skills that we need for a sustained recovery.

We have taken three key decisions. First, we will change the focus of our skills system so that a new premium is put on higher skills, especially the technician skills that are the foundation of high-tech, low-carbon industry. Secondly, we will empower learners through more choice and better information to drive up the quality of the system through skills accounts. Thirdly, we will dramatically reduce the number of publicly supported bodies delivering skills policy, working with the UK Commission for Employment and Skills to reduce them by more than 30. These choices will target public investment on the most relevant skills for the future, at the highest possible levels of quality and marketability.

The first of these decisions reflects the need for a new focus on the skills that we need in the laboratory, the high-tech factory and the computer facility. We will create a new, modern class of technicians—something that has long been identified as a gap in our labour market. To build this technician class, we will further expand the apprenticeship system by creating 35,000 new advanced places for those aged 19 to 30 over the next two years.

The aim of creating this technician class will also be aided by the new generation of university technical colleges whose creation we are supporting. To turn these apprenticeships into potential ladders to university, from 2011 all apprenticeship frameworks at levels 3 and 4 will be required to have UCAS tariff points, just as A-levels do, so that holders can apply for, and make their way into, university. We will also commit to the recommendation from the panel on fair access to the professions that we create an apprenticeship scholarship fund that will provide one-off bursaries of up to £1,000 for 1,000 apprentices entering higher education every year.

We will take a more strategic approach to the skills that we fund. That means prioritising strategic skills in key industries such as advanced manufacturing, low-carbon, digital technologies and biosciences, and in important growth sectors such as health care. Our decisions in the next bidding round of the national skills academies programme will reflect these core national priorities.

The second of our decisions is to increase the power of learners to drive up quality in the skills training sector by giving them more choice over where and when they train, and better information on how to exercise that choice. To give effect to that greater choice, we will set up new skills accounts, which will enable students to shop around for training, backed by good information on how well different courses and colleges can meet their needs.

Critically, we are going to more than treble the number of public and private institutions where accounts can be used to over 1,500—not only creating new options for learners, but creating a big incentive for providers to design courses that attract students.

The further education sector has made significant strides in improving the quality of its provision over the last decade. Many of our colleges are performing at world-class levels, and overall success rates have increased by over 40 per cent. in the last 10 years. We will build on this by providing progressively greater autonomy to colleges that demonstrate teaching excellence, but also by cutting funding to low-priority and poorly

[Mr. McFadden]

provided courses. We will invest in the courses that employers judge are in line with their needs and requirements.

Finally, we have decided to simplify the organisational clutter of public bodies delivering skills policy. We welcome the recommendation of the UK Commission for Employment and Skills to reduce the number of separate publicly funded agencies by over 30 and will work with it and others to make that happen. Our new model will make the regional development agencies responsible for leading the regional skills strategy in each area, working in partnership with local authorities and others.

This skills strategy shares its fundamental challenge with our recent higher education framework. They must equip our people to prosper in a globalised knowledge economy. They must contribute to our return to sustained and sustainable growth. The goal of this strategy is a skills system defined not simply by targets based on achieved qualifications, but by "real world" outcomes—relevant quality skills with real market value. It will be driven by the realities of a changing global economy—by demand from the British businesses and individuals who have to prosper in that economy. The clearer the demand, the better the system will work.

Our expectations of business will rise. We will strengthen the role of employer-led sector skills councils and business-led regional development agencies in shaping an excellent supply of courses and training, designed in direct response to local and national employer needs, but we will also expect businesses to make a greater contribution to the funding of skills training for their work force. We need a culture in which all employers take the view that the skills of their staff are one of the best investments they can make.

Our ambition is that, thanks in large part to the innovations in this strategy, three quarters of people should participate in higher education or complete an advanced apprenticeship or equivalent technician-level course by the age of 30. This strategy empowers the further education system above all to compete to meet the needs of businesses and learners. That will put further education where it belongs—right at the heart of the knowledge economy, at the heart of our recovery and our future prosperity.

Mr. David Willetts (Havant) (Con): There is much in this statement that the Opposition welcome. We welcome what the Minister has said about ensuring that practical apprenticeships get UCAS points—something that we specifically proposed in our Green Paper last year. We welcome the proposal on scholarships for apprentices to go on to university—something that I proposed in my party conference speech in 2008. We welcome what the Minister has said about shifting back towards advanced apprenticeships at A-level equivalent. We also welcome the praise that the Minister rightly gave to the performance of our further education colleges and hope that he means what he says about simplifying the very complicated burdens that they face at the moment.

I have several questions about the statement. First, can the Minister explain why we should believe what he says about simplifying the system? The Order Paper shows that after this statement the House is to consider the Apprenticeships, Skills, Children and Learning Bill, which will give some of the responsibilities of the Learning and Skills Council to local education authorities. Because the Government do not really trust LEAs, there is to be a new Young Person's Learning Agency whose job is to supervise those authorities. Then there is a separate National Apprenticeship Service and also a Skills Funding Agency or SFA. In fact, when it comes to simplification, this Government's policy is SFA—by which, of course, I mean the Skills Funding Agency! So why should we believe the Minister when he says he simplifying? He is actually making life far more complicated. Will he take the opportunity at this late stage to introduce amendments to the Bill to reverse those complexities?

The Minister said that apprenticeships had been revived under this Government. Will he confirm that what has really happened is that level 2 courses that did not previously count as apprenticeships have been redefined, and that training for people at level 3 is actually at a lower level than it was 10 years ago?

The Minister referred to the importance of replacing migrant workers with better-skilled British workers. We were relieved that he avoided crude BNP slogans such as "British jobs for British workers". We understood the point that he was making: that he thought that a measure of the success of his skills strategy would be a reduced dependency on migrant workers. Will he confirm that since the Government came to office, 1.4 million of the 1.7 million new jobs—more than 80 per cent.—have gone to migrant workers? What, according to the very benchmark that he has offered the House today, does that tell us about his skills strategy?

Will the Minister confirm that whatever he may say today, in public, about what he is doing for skills and training, separately—in private, within the Department—a very different policy is unfolding? Will he confirm that he was one of the recipients of the paper dated 12 October entitled "Skills Investment Strategy 2010-11", which shows how the Department is proposing to save up to £350 million on some of the very initiatives that he has been talking about today? Will he confirm the validity of the ready reckoner helpfully contained in the internal document, according to which:

> "Removing £100m in the 2010-11 financial year, proportionately across the different levels and funding routes then we would lose a total 133,000 learners from the baseline"?

Will he confirm that every £100 million of cuts that he is proposing will mean the loss of an extra 133,000 learner places, and that if he raises the full £350 million of savings, a third of a million learners will lose out?

In his statement, the Minister talked about the rolling out of skills accounts. Will he confirm that the private document that he has received from his advisers in the Department states:

> "we can still… achieve the target £100m by reducing the funding originally planned for the Adult Advancement and Careers Service and by delaying the roll out of Skills Accounts"?

How can we take the Government seriously on skills or any other subject when they say one thing to the House, while privately preparing a completely different strategy?

Mr. McFadden: Let me begin by graciously welcoming the hon. Gentleman's gracious welcome for the parts of the statement with which he agreed, on UCAS points and a greater emphasis on level 3 apprenticeships. He praised our further education sector, so perhaps it would be unfair of me to point out that the contrast between the state and quality of our further education sector today and its state and quality when his party was in power could not be greater. It was flat on its back. Not a single penny went into renewing the sector towards the end of that period, whereas we have renewed it substantially.

The hon. Gentleman talked of simplification. It is true that almost everyone who examines this arena agrees that we need a simpler, less cluttered system. He talked of the changes that we propose. Those changes will get rid of nine regional skills bodies, so we are reducing the number of bodies in this territory. The hon. Gentleman talked of events outside the House. I think I am right in saying that he has not been entirely beating the drum with sector skills councils, arguing that their number should be reduced.

Let me now turn to the hon. Gentleman's final point about a story that appeared in the newspapers in recent days. The information contained in the great secret document he waved was actually announced in this House in the Budget some months ago, and in case anyone had not noticed it in the Budget, the then Secretary of State for Innovation, Universities and Skills, my right hon. Friend the Member for Southampton, Itchen (Mr. Denham), wrote to the Learning and Skills Council earlier this year setting out the kind of savings we were looking for. We are not cutting apprenticeship numbers. This is old news; it was announced in this House, and it was communicated to the LSC.

If the hon. Gentleman wants to talk about funding, let me ask him whether he will match our commitment to keep up spending on renewing the FE estate. He has not committed to that. Will he confirm that he will abolish the Train to Gain budget entirely? He talks to us about funding, yet he will not match the funding commitment that we have made because we want to increase opportunity and because we recognise the necessity of a high-quality skills system both for individuals and our economic future.

Stephen Williams (Bristol, West) (LD): I welcome the fact that the Minister of State has come to the House today to make a statement on this announcement, in stark contrast to his colleague, the Minister for Higher Education and Intellectual Property, who on Monday made a written statement on the long-awaited fees review, which has angered thousands of students throughout the country, including about 100 presidents of student unions, who are gathered upstairs in Committee Room 11 at present—and I hope to speak to them shortly.

We thought we had had the Government's vision for skills—the 2020 vision for skills—three years ago in the Leitch report, but the world has, of course, changed completely since then: the United Kingdom economy has experienced six quarters of contraction, and unemployment has increased again today, particularly for young people, among whom unemployment has risen by 15,000. The unemployment rate among 16 to 24-year-olds is 19.8 per cent., which is a far greater proportion than for the population as a whole. Young people have borne the brunt of this recession. Many of them are graduates who had never expected to be in this situation, but the vast bulk are those with skills up to, or including, level 2, thus compounding the long-entrenched problem of those not in education, employment or training.

We need emergency measures to deal with the recession, as well as a long-term vision for the future of our economy. Does the Minister agree that it is simply ludicrous to expect young unemployed people under 24 to have to wait up to 12 months for what he himself described as "crisis help"? It is a pretty strange crisis if they have to wait 12 months for help. Instead, my party has proposed a 90-day guarantee.

We welcome some of the announcements in the statement. We certainly welcome—I am sure it is a welcome that will be echoed by employers around the country—any proposal to rationalise the quangos that proliferate in the entire skills labyrinth. The most common complaint I hear from all the employers I meet is that they find the skills labyrinth bewildering to negotiate. Does the Minister not agree that sector skills councils ought to be the organisations in the driving seat in respect of saying what are the skills needs of their industry, rather than the RDAs, as seems to be the case under the Government's preferred model?

If any headline comes out of this statement, I guess it will be yet another target: that 75 per cent. of those aged under 30 should attain either a higher education qualification or an advanced apprenticeship. After 12 years of targets, I wonder whether we need another one in the fag-end period of this Government. Perhaps this is intended to obscure the fact that they will fail to meet the 50 per cent. target for participation in higher education by 2010.

The statement referred to new university technical colleges. The Government's further education capital programme has been a complete fiasco, so I imagine this does not mean there will be new build. Will the Minister therefore confirm what these new university technical colleges will actually be? Will they be just a rebadging of existing FE provision? FE colleges will also be quite alarmed by the Minister's comment that there will be cuts in what he calls low-priority courses. Will he define what a low-priority course is, or at least give an example of one, from the Dispatch Box today?

Much of the emphasis in the statement and in the report is on formal provision, but does the Minister agree that there is an important role to be played not only by further education and by government but by social enterprise and charities? I have been impressed by the work done by Fairbridge in my constituency and by the Bristol foyer. Often, that informal provision can lead people, particularly those not in education, employment or training, back into formal learning. We will agree—I am sure that there will be a broad consensus on this—that the future needs of this country will be high-tech and low-carbon, but does he agree that in order to get young people to take the relevant courses, they need good, well resourced and independent advice and guidance from the age of 13 right through their education and their working lives? It is not clear to me that the resources are in place to deliver that. The report is all about long-term vision, but I suspect that the tragedy for the Government is that they are not going to be there to deliver it.

Mr. McFadden: I thank the hon. Gentleman for his comments. He attacks our 50 per cent. target, but his party does not even support a 50 per cent. target. In fact, its document states:

> "We reject the simplistic 50 per cent. participation target set by the Government".

[Mr. McFadden]

He may wish to put a cap on aspiration and ambition, but Labour Members do not. We want to see everyone achieve their potential, which is why we broadened that ambition today by saying that we want not only to expand participation in higher education but to do more on this technician class of apprenticeships and equivalent qualifications, where Britain has been historically weak compared with other countries.

The hon. Gentleman mentioned youth unemployment. Of course unemployment, including youth unemployment, has increased in the recession, but Labour Members will never say that that is a price worth paying. We know the damage it does to families and communities, which is why we have put £5 billion into helping unemployed people get back to work. A particular emphasis for us is on preventing long-term youth unemployment. Even though unemployment has increased, the level of long-term youth unemployment of a year or more is some 80 per cent. lower than it was before this Government came into power. The contrast in the response to this recession compared with the responses to previous ones is that we are not content simply to pay people benefits and leave them there. We want to create second chances for people, which is what this £5 billion investment is focused on doing.

The hon. Gentleman criticised my right hon. Friend the Minister for Higher Education and Intellectual Property, but I remind him that my right hon. Friend made a statement on the higher education framework in this House just last week, so we have not lacked reporting to the House on this issue. The hon. Gentleman says that he is going to speak to a lobby later, and I am sure he will be outlining his policy on fees in detail to them—it will be interesting for the rest of us to find out what Lib Dem policy on this is.

The hon. Gentleman rightly praises the role of the third sector in this arena. The Government, too, praise its role, because these organisations do a fantastic job. Last week, I visited a wonderful project run by the Prince's Trust, and other bodies, such as Mencap, Nacro and Rathbone, all do excellent work. Here is the difficult truth: they require Government support to do it. We fund those organisations to the tune of £353 million; the money goes to more than 400 third sector organisations, helping people to expand their opportunities. What we will not do is reduce third sector help in this area to these organisations raising their own money with no Government help. We will not make opportunity dependent on flag day. We will work with the third sector and back it with resources.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): I congratulate the Government on much of this statement. It is pleasing to hear that individual accounts are back after an eight-year gap, and the statement contains some other interesting things relating to apprenticeships and much else. My first caveat is that the churn in organisations puts off many people, such as employers. These people have for years invested their time and trouble in running these organisations, just to see them rationalised, changed and abolished. Secondly, there is a bit of a naive belief running through this report that the employers' assessment of what we need in the labour market is always right. It is not always right and other players are often more accurate.

Mr. McFadden: I know that hon. Friend has great authority and knowledge of these matters and I listened to what he said with great care and respect. He is right to say that there is an emphasis on the skills system meeting the needs of employers. We do not apologise for that—we are entering a world of rapid change with the shift to a low carbon economy and we have to ensure that employers get the skills that they need from the system. The emphasis on skills accounts empowers the individual, too, and by expanding the number of institutions where skills accounts can be used and, critically, by providing high-quality information to the individual learner we not only meet the needs of the employer, but expand opportunity for the individual. It is critical that the skills system does both those things.

Mr. Rob Wilson (Reading, East) (Con): May I welcome the Minister's announcement of a reduction in the number of skills bodies, which the Opposition have been advocating for some time? Now that he finally accepts the need for a reduction, will he explain why his Government allowed so many to flourish in the first place?

Mr. McFadden: The system has evolved over time and it is quite right that we should take a look at it now and say that, as it has developed, there is a need to make the system simpler for people to use. It is quite right that we should face up to that and reform the system in exactly the way that we have set out.

Andrew Miller (Ellesmere Port and Neston) (Lab): My right hon. Friend is familiar with many of the big manufacturing issues in my constituency, but he might not be so familiar with some of the retail related issues. Is he aware that Marks and Spencer, which is about to make its biggest investment for about 18 years in this country—it will invest in 150,000 square feet of new retail in my constituency—is attracted by, among other things, the brilliant partnership between the FE sector and retail? The creation of a retail academy has transformed the life chances of many people from the poorest estates in my constituency.

Mr. McFadden: My hon. Friend is absolutely right. He mentions Marks and Spencer, one of our leading companies, and the work with the retail skills academy. The partnership between the best of our FE colleges and businesses is now of a far higher quality than it was before, and that is what we want to see. We want FE colleges to be properly plugged in to the local and regional skills needs of the communities that they serve. When they are plugged in in that way, we can meet the two objectives that I have talked about and enhance life chances and opportunities for individual learners while contributing to our future economic growth.

Mr. John Redwood (Wokingham) (Con): How much will these administrative changes cost and how many jobs will be lost?

Mr. McFadden: We seek no additional funding for these changes. As I have said, we will target some of the help that we have used during the recession at funding, for example, the level 3 apprenticeships. That might mean providing less full funding of repeat qualifications in Train to Gain, which we have allowed during the recession, and using that funding to fund the technician apprenticeships that we believe will contribute significantly to our economic recovery as we come out of the recession.

John Reid (Airdrie and Shotts) (Lab): May I welcome this statement and, in particular, the Minister's words about the development of skills accounts? Does he agree that the two essential elements of that development are an extension of the number and range of providers and the passage of information, control, power and, above all, choice to the would-be consumers—that is, the trainees? These are the very elements that have driven an increased and enhanced performance in the health service. Does he expect the same sort of improvements in education and training?

Mr. McFadden: I welcome my right hon. Friend's comments. He is right that the proposals on skills accounts expand the number of providers through which those accounts can be used. They also extend choice, information and power to the learner. There are few things as powerful as an individual user of a system who is empowered to make choices about how and where they learn. My right hon. Friend, when he was a member of the Government, was a champion of the kind of public service reform that empowered individuals. I can assure him that precisely the same philosophy is reflected in this paper today.

Mr. Phil Willis (Harrogate and Knaresborough) (LD): May I add my thanks for what will be a very interesting report? In particular, I should like to thank the Minister for picking up many of the issues raised by the Innovation, Universities, Science and Skills Committee in the wake of the Leitch report, and I echo his comment about individual skills accounts. However, in an act of friendship, I say to him that one of the real beneficiaries in the current unemployment situation—and 750,00 18 to 24-year olds unemployed is something that no party can accept as tolerable—is the Department for Work and Pensions, to which a significant amount of money has been diverted. Has he had conversations with colleagues in the DWP about whether 18 to 24-year old's without level 2 or 3 qualifications can have access to full-time courses in FE colleges and keep their jobseeker's allowance while they do? That would give them at least the same recognition as is given to full-time higher education students going to university.

Mr. Speaker: I say, gently and in a good spirit, to the hon. Member for Harrogate and Knaresborough (Mr. Willis), who has done well out of me today, that in future the abridged rather than the "War and Peace" version will suffice.

Mr. McFadden: I will take your advice, Mr. Speaker. I am very happy to pay tribute to the work of the Select Committee, which does its work in a considered, serious and committed way. In the abridged version, I assure the hon. Gentleman that we work closely with our colleagues in the DWP to make sure that our policies in these areas are lined up together and that we are doing both of the things to which I have referred throughout—enhancing opportunity for individuals, and contributing to our economy even in these difficult times when unemployment is rising.

Mr. Gordon Marsden (Blackpool, South) (Lab): Coming from Blackpool, where we have a fantastic FE college with a new HE centre, I was delighted to hear what the Minister had to say about skills needing to mesh with the university system. What he said about skills accounts and the apprentice UCAS tariff points should go some way towards achieving that, but what more can he do to nudge some of those recalcitrant university vice-chancellors who are very quick to get out the begging bowl and ask for increased fees and so on, but who are not so quick to sign up to a very important agenda and admit those with apprenticeships and diplomas to their universities?

Mr. McFadden: I would hope that the whole higher education system is committed to access and to providing enhanced opportunities for people from all backgrounds, but we know that that has not happened in some areas. The report led by my right hon. Friend the Member for Darlington (Mr. Milburn), for example, pointed out that hardly any apprentices go on to higher education. That is one reason why we have backed the recommendation in that report to create a scholarship for up to 1,000 people to go on to higher education each year. We do not want the traditional academic and vocational divide that means the two sides never meet. We want a ladder of opportunity for people of all backgrounds, and that should include the most talented apprentices getting the chance to go on to higher education in a way that many young people from other backgrounds take for granted.

Alistair Burt (North-East Bedfordshire) (Con): As the shadow Minister responsible for further education when the scale of the individual learning accounts fiasco became clear, may I remind the Minister of one reason for the failure? That was that the drive to meet the targets meant that there were not sufficient checks on providers to ensure that they delivered the goods. Can he assure the House that that problem has been covered, and that we will not see the scale of disaster that we saw a few years ago?

Mr. McFadden: Two critical things are needed to make skills accounts work and to avoid the problems that happened last time, to which the hon. Gentleman referred. The first is proper accreditation for the providers, which we have built into the paper and which will ensure that we have good, high-quality providers giving a high-quality range of choice to individuals. The second thing is to have good information for individual learners, and I refer him to work done by the UK Commission for Employment and Skills. The commission has produced a good traffic light system along the lines of food labelling—

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): See page 62.

Mr. McFadden: Yes, the system is shown on page 62 of the document. It covers things such as earning potential, the quality of the course and the employability that people will have as a result. If empowerment and choice are to work as we want, high-quality information of that kind for individuals is essential. Both of the conditions that I have set out are met in the report.

Fiona Mactaggart (Slough) (Lab): The statement will be very warmly welcomed in East Berkshire college, which is one of those colleges that have so improved in recent years. As a result, I hope that it might forgive me, because it looks as though business will prevent me from attending its award ceremony. I particularly recognise

[Fiona Mactaggart]

the proposal for advanced apprenticeships in the biopharmaceutical industry. The Minister will know that I have pressed that issue for some time on behalf of biopharmaceutical companies in Slough, and if that proposal can be rolled out swiftly, it will be helpful to that very powerful and important part of our economy.

Mr. McFadden: My hon. Friend is absolutely right. My hon. Friend the Member for Ellesmere Port and Neston (Andrew Miller) talked about the importance of the retail industry, but another sector where Britain enjoys enormous strengths that we want to keep and build on is the pharmaceutical industry. That is precisely why it is right for us not only to create a target—a new objective—but to back it up with hard cash for 30,000 new level 3 apprenticeships, thus creating precisely the kind of technical skills in the technician level that are valuable to pharmaceutical companies, such as those mentioned by my hon. Friend the Member for Slough (Fiona Mactaggart).

Tony Baldry (Banbury) (Con): Crompton Technology in Banbury is a high-tech, low-carbon and value-added business. It needs to recruit more than 200 modern technicians just to fulfil its existing business plan. It recently advertised for just 10 people. Notwithstanding receiving 130 responses, it could not fill any of the places because the applicants did not have the right level of skills. Will the Minister spare me just 10 minutes sometime in the near future to discuss how we can fast-track technician training at the local technical college, so that as many as possible of those 200 jobs can go to local unemployed people, rather than going overseas?

Mr. McFadden: In my time as a Minister, I do not think that I have ever refused a meeting with a Member of any party in the House, and I am not about to start doing so now. Of course, I am happy to see the hon. Gentleman, but such skills shortages show precisely the need for the policies that we are outlining today. The kind of low-carbon company that he mentioned needs the level 3 skills. That is why we are putting more emphasis on them. They are precisely the kind of skills that will be needed as we come out of the recession and try to support businesses that will contribute to economic growth in the future.

Mrs. Joan Humble (Blackpool, North and Fleetwood) (Lab): I welcome the acknowledgement of the importance of higher skills to deliver a knowledge economy. What discussions has my right hon. Friend therefore had with the universities, which will deliver not just the science and technology courses that he is talking about, but a variety of other courses that can also contribute to the agenda that he is laying out for us today?

Mr. McFadden: We are in regular dialogue with the universities. The participation rates in higher education have increased hugely since the Government came to power. I think that I am right in saying that some 300,000 more students are now in higher education, compared with when the previous Government were in power, and to support that progress, we have supported the funding of an extra 10,000 places this academic year.

Mr. Mike Weir (Angus) (SNP): Much of this matter is, of course, devolved. I welcome the fact that the Minister is emulating aspects of the system adopted in Scotland two years ago, but on the UK matter, can he tell us how industry-wide sectors, such as the excellent one for training in the oil and gas industry, will come into the strategy? In particular, will he help them to move on into the low-carbon industry, where many of the skills are equally applicable?

Mr. McFadden: I heartily agree that low-carbon skills are essential for the future. Therefore, I cannot for the life of me understand why the Scottish National party-led Administration in Scotland do not support the need for a new generation of nuclear power stations to contribute to that, with all the jobs and skills that that would entail. The hon. Gentleman talks the talk, but he will not walk the walk. Labour Members want the population in Scotland to have access to the same high-quality jobs and skills that that transition to low carbon will create as people have in England.

Mr. Ian Cawsey (Brigg and Goole) (Lab): No one would disagree with what my right hon. Friend said about high-value skills, individual empowerment or helping the youth unemployed, but I know that he is aware that there is another group—a hard-to-reach group of people who have been unemployed for a long time and struggle with basic levels of skills in numeracy and literacy. They are what some people describe as the underclass. It is important that we engage with this group, help them to acquire the basic skills that they need to get back into work and encourage them to do so. What does my right hon. Friend intend to do about that?

Mr. McFadden: This Government have helped 6 million people get better skills for life in recent years. I agree that taking that first step is essential, and nothing that we suggest in the paper will detract from that. We also say in the paper that we want to place great emphasis on the technician level, which will be the real driver of economic growth in the future. I do not believe there is a choice between the kind of life-enhancing opportunity that my hon. Friend describes, and economic growth and the need for a technician level of skills that we emphasise in the paper.

Bob Spink (Castle Point) (Ind): Will the Minister intervene and ensure that the new vocational centre for Castle Point, which I first raised and campaigned for in 1991 and which is now finally supported by Essex county council, is funded and goes ahead?

Mr. McFadden: The wisest course of action for me is to consider that issue, discuss it with my hon. Friend the Minister for Further Education, Skills, Apprenticeships and Consumer Affairs, and write to the hon. Gentleman.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): I welcome my right hon. Friend's new commitment to local authorities having an enhanced role in the system of apprentice training and, hopefully, in training for technicians. Will he agree to meet Councillor Ron Round, the Labour leader of Knowsley council, to look at the possible lessons that can be learned from the excellent apprenticeship scheme that he has been leading in Knowsley?

Mr. McFadden: This statement is fast filling my diary, but I am happy to accede to the request made by my right hon. Friend.

Mr. Henry Bellingham (North-West Norfolk) (Con): The Minister spoke about the knowledge economy and the need to shape the courses to local businesses. However, is he aware that this will have a pretty hollow ring in west Norfolk, where the college of West Anglia has had its Learning and Skills Council capital programme cancelled, thus depriving it of the promised move to a new state of the art campus? Does he accept that businesses in west Norfolk and the knowledge economy in particular have been let down by his Department?

Mr. McFadden: I take exception to Opposition Members attacking our record on capital spending in further education. Let me give the hon. Gentleman the facts: 700 projects in 300 colleges worth £2.7 billion in expenditure. Contrast that with the amount in the last year that his party was in power: no projects, no colleges, not a single penny.

Mr. David Drew (Stroud) (Lab/Co-op): I see that my right hon. Friend wants to simplify the organisational clutter of public bodies delivering skills policy. Will he look at what has happened to Renishaw and Delphi in my constituency, where we put in place some very exciting skills training for those on short-time working? That has taken place, but it has not been at anything like the level that some of us would have liked. Will he look into that to see if this is a good learning point so that it can help future skills policy?

Mr. McFadden: I am happy to look at the constituency example that my hon. Friend cites. We made the Train to Gain budget more flexible during the recession by allowing it to be used for shorter courses and also for repeat qualifications, but we are making it very clear that in a world of constrained resources, looking to the future, we will want to focus that budget more readily on areas of future economic growth, and to use some of it to fund the level 3 technician apprenticeships that I have spoken about today.

Joan Walley (Stoke-on-Trent, North) (Lab): Given the reference in the statement to the skills accounts and the fact that students will be encouraged to shop around for colleges and courses, does my right hon. Friend agree that my constituents could be disadvantaged if we cannot find a way of retrieving the capital spend for the Stoke on Trent further education college? Will he work with me to try and find a solution so that we have proper facilities in-house locally?

Mr. McFadden: I know that my hon. Friend is a strong campaigner for her city and the college there. I remind her of the figure that I quoted a moment ago: we have spent some £2.7 billion on renewing the further education estate. I do not believe that her constituents will be disadvantaged by greater power and choice. It is good to give people greater power and choice—to let them drive the system, provided that the providers are properly accredited and that people have good, high-quality information. We are determined to ensure that those two conditions are met.

Dr. Stephen Ladyman (South Thanet) (Lab): This statement heralds a welcome refocusing of activity. Does my right hon. Friend accept, however, that creating new places for science, technology and engineering is only half the equation—the other half is getting kids to want to fill those places? That will happen only when society holds these professions in greater esteem and we do more to inspire children in these subjects. How do the Government intend to fill that half of the equation?

Mr. McFadden: My hon. Friend makes a very good point. I regularly visit engineering companies in my constituency, where people tell me that they have good, sometimes well-paid jobs, but they feel that young people have a distorted image of engineering, manufacturing and so on. In conjunction with the Engineering Employers Federation, we have set up an organisation, co-funded by the manufacturing industries, called Manufacturing Insight. Its task is to get out, get into schools and inspire young people with the powerful vision of a country that makes things and the careers that go with that. The policies that we have outlined today will help to equip people for those careers in the future.

Mr. Lindsay Hoyle (Chorley) (Lab): As a member of the Business, Innovation and Skills Committee, I am proud to hear what the Minister said about the support that he is giving to industry in ensuring that it has apprentices for the future. A lot of what he said is for the long term. Leyland Trucks—in Leyland, as one would expect from the name—will benefit through its hybrid truck from the grants and support that can be given to such companies. Will he look to ensure that that support will be there? We should also ensure that we keep people in the workplace, and have another look at a short-time working subsidy for the short term to back up what he said for the long term.

Mr. McFadden: I certainly agree with the first half of what my hon. Friend said. That is why the Government, working with colleagues in the Department for Transport and the Department of Energy and Climate Change, have a low-carbon industrial strategy, part of which is designed to ensure that Britain is a leading player in low-carbon transport, be it hybrid or electric vehicles. Countries have a simple choice: they either buy these technologies from elsewhere or make an effort to be manufacturers of those technologies. We very much want to take the latter route.

Mr. Elliot Morley (Scunthorpe) (Lab): I welcome the focus on training for low-carbon economies and technologies, which is very much the future. My right hon. Friend talked about the regional development agencies having a strategic role in terms of training. Can he assure me that that would allow them to take a strategic approach in relation to funding from the European Union, Government grants and private sector grants in order to develop centres of low-carbon technology, as I believe that the Humber bank could become?

Mr. McFadden: If we think back to the first industrial revolution, much of it was driven by energy resources—coal, steam, gas and oil. Those resources fuelled and funded the technologies of the 20th century. We stand on the brink of a second industrial revolution, which is the shift to low carbon. I absolutely agree with my right

[Mr. McFadden]

hon. Friend about the importance of this. The role of RDAs is to work with local authorities, educational resources and employers in their area to fashion a regional strategy that meets the needs locally and regionally. That is a powerful vision, it is something that I believe they will be good at, and it is backed by the document that we have produced today.

BILL PRESENTED

WASTE RECYCLING (END USE REGISTER) BILL

Presentation and First Reading (Standing Order No. 57)

Mr. David Drew presented a Bill to require certain authorities to maintain a register of the destination of recycled materials; and for connected purposes.

Bill read the First time; to be read a Second time tomorrow, and to be printed (Bill 165).

Mobile Network Roaming Capabilities

Motion for leave to introduce a Bill (Standing Order No. 23)

4.24 pm

Mr. Angus MacNeil (Na h-Eileanan an Iar) (SNP): I beg to move,

That leave be given to bring in a Bill to establish a duty on mobile network operators to introduce automatic roaming capabilities between mobile telephone networks in the United Kingdom; and for connected purposes.

Just about every Member of the House has a mobile phone, some more than one. Imagine, Mr. Speaker, if yours stopped working, and if the lights and buttons still functioned but you could not access the internet, send an SMS or make a phone call. Now imagine that the person sitting next to you could use all the functions of their mobile phone to the fullest. How frustrating would it be to know that your phone had ceased to function while others were working perfectly? That is the problem facing many people in this country daily, particularly in my constituency.

Mobile phones are as common today as landline phones, and in some cases they may be the only form of communication that a person has. The good people at Ofcom have data that show that more than 80 per cent. of people in the United Kingdom use mobile phones in conjunction with their landline phone, and 12 per cent. only have a mobile phone. It is therefore expected that our mobile phones can send and receive signals with little or no interruption.

In London, quality mobile phone coverage is expected. To lose coverage for any length of time is deemed unacceptable. In fact, just a one-hour loss of 3G voice coverage on the O2 network in London last month warranted media attention. Now there are plans to extend mobile coverage to the underground, as it has been in cities such as Stockholm.

Surely, with the growth of mobile phone networks, we should also have an expectation of an expansion of the mobile network over the entire United Kingdom. The Bill would bring about a duty on mobile phone providers to allow roaming between networks within the UK, which is a variation of a system that is currently practised in the United States and does not need the building of any more costly physical infrastructure. It just needs better use of what is already there.

The Bill would benefit the entire UK mobile network. Although mobile coverage lost for an hour in London is a serious enough problem for the media, rural constituencies often rely totally on the strength of a mobile signal. People in my constituency of Na h-Eileanan an Iar are exposed to failures of the network more than most, because of the remoteness of the isles. Gale-force winds may damage a transmitter or mast, and when that goes down one mobile network signal may deactivate while another is still working. My constituents therefore ask why they cannot use the strongest working signal.

Recently in Carloway, on the Isle of Lewis in my constituency, there was a period of more than five weeks without mobile coverage. That means that people who depend predominantly on mobile networks, such as volunteer first responders, could not make calls or help to co-ordinate emergency services. Those people provide first aid when needed and direct ambulance services to an incident site. In my constituency, it could take an hour or more to get an ambulance to a house, but a first responder could be there within minutes provided that they could receive emergency calls. The problem was exacerbated beyond the original delay when a dispute arose between Orange and the landowners of the mast. Most of the people affected in Carloway have landline coverage, but as well as the inconvenience of losing their mobile coverage, they still had to pay their monthly tariff for a service that they did not receive. Businesses that relied on mobile services were unable to operate at full efficiency.

That is not the only case of extreme coverage loss in my area. In the past two years, my constituents went without mobile coverage in September 2008 when Vodafone coverage was lost for two weeks; in June 2009 for two weeks; in July 2009 for one week; and, most recently, for more than five weeks when Orange coverage was lost between September and November. That is just on the island of Lewis, and other islanders and people in other areas of the constituency have similar stories to tell.

The problem could be alleviated in many instances if people could roam to a functioning network. That would also help the coverage and the amount of calls made, which would surely increase, and the companies' revenue would also increase if they co-operated and improved their geographical patchwork rather than having people inconvenienced and out of contact.

Indeed, perhaps mobile phones have been an unheralded facilitator of modern economic growth. An oft-quoted 2005 study from the London Business School found that when 10 or more out of 100 people in developing countries start using cell phones, gross domestic product rises by 0.59 per cent. per capita. Some studies have found even higher rises in GDP. Thus, as well as convenience, we should appreciate the economic benefits to areas that probably need them most, not only overseas but in this country.

Many people all over the UK will have experienced being cut off during calls as they enter blackspots. The Bill would reduce that phenomenon markedly by allowing people to piggyback on to another network. Of course, networks deserve praise because they have delivered great benefits and convenience to people's lives. They, too, in credit crunch times have cost restrictions. They are innovative in bringing 3G to people's homes through broadband connections of more than 1 megabit, although at a cost. Happily, T-Mobile tells me that it has great coverage up the entire A9—the spine of Scotland. Good stuff indeed.

Public policy through Ofcom wants five competing networks. There is some work on network consolidation, but clearly not enough, or I would not be standing here. I know people who have two mobile phones because their mobility is such that no one mobile network can serve their needs. Surely that contradicts the idea of mobile telephony. Contacting and texting those people is difficult because one has to send two messages and, invariably when one phones, they are in the area served by their second mobile phone. I think that that is known as sod's law.

I am not sure where that leaves aims for a Digital Britain. The Home Office paper, "Protecting the public in a changing communications environment", would better serve the public by enabling roaming than by some of the other activities planned for e-mails and such like.

Now, a burden is placed on the consumer to find the ability to access more than one network. Consumers sometimes have to purchase more than one SIM card—or, indeed, more than one phone. Surely that is a highly inefficient way of delivering a service to the public. Why should consumers have to buy more than one SIM card or phone to get the maximum coverage for a mobile service that already exists?

It is not the first time that such a Bill has been introduced. Last year, the hon. Member for Tunbridge Wells (Greg Clark) presented a similar measure. If the hon. Member for Tunbridge Wells—a south-eastern English constituency with far better 2G and 3G coverage than mine—has similar concerns to those of my rural island constituency, it shows the vastness of the problem.

The measure is surely in the best interests of the consumer and the industry. Allowing consumers to roam automatically is tantamount to free advertising. If one discovers that one's contracted network is constantly down and one finds oneself on the strongest network, it would be prudent to move contracts. The best providers would thereby receive the most customers, and customers would have access to the best service. Surely that is an incentive to industry not to take its customers for granted. I wonder whether the status quo is too cosy for the mobile companies.

The market often needs a legislative push to work for rural customers and improve the service for urban customers. As has been said previously, we can get money free of charge from cash points operated by different banks because they benefit the customer and the industry. Surely we should expect the same from our mobile network. We hear much these days about fiscal stimulus, but it is phone stimulus that Parliament must give the country and the people.

Question put and agreed to.

Ordered,

That Mr. Angus MacNeil, Angus Robertson, Mr. Alistair Carmichael, Mark Durkan, Dr. Alasdair McDonnell, Pete Wishart, Mr. Mike Weir, Andrew George, Andrew Rosindell, Mr. Stephen Hepburn, David Davis, Greg Clark and Michael Fabricant present the Bill.

Mr. Angus MacNeil accordingly presented the Bill.

Bill read the First time; to be read a Second time tomorrow and to be printed (Bill 166).

APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING BILL (PROGRAMME) (NO.2)

Motion made, and Question put forthwith (Standing Order No. 83A),

That the following provisions shall apply to the Apprenticeships, Skills, Children and Learning Bill for the purpose of supplementing the Order of 23 February 2009 (Apprenticeships, Skills, Children and Learning Bill (Programme)):

Consideration of Lords Amendments

1. Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion three hours after their commencement at this day's sitting.

Subsequent stages

2. Any further Message from the Lords may be considered forthwith without any Question being put.

3. The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—*(Kevin Brennan.)*

The House divided: Ayes 282, Noes 217.

Division No. 246] [4.35 pm

AYES

Abbott, Ms Diane
Ainger, Nick
Allen, Mr. Graham
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Doran, Mr. Frank
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael
(Worcester)
Foster, Michael Jabez
(Hastings and Rye)
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai
Healey, rh John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Hutton, rh Mr. John
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John
McIsaac, Shona
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morley, rh Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Raynsford, rh Mr. Nick
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C.
(Sheffield, Hillsborough)
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Speller, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan

Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wood, Mike
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Mr. Dave Watts and
Mr. Bob Blizzard

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baker, Norman
Baldry, Tony
Baron, Mr. John
Barrett, John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Cash, Mr. William
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davis, rh David
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, rh Mr. Jeffrey M.
Duncan, Alan
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Hermon, Lady
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mason, John
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Pelling, Mr. Andrew
Penrose, John
Price, Adam
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robinson, Mrs. Iris
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Mr. Keith
Smith, Chloe
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Teather, Sarah
Thurso, John
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Tellers for the Noes:
Mr. Stephen Crabb and
Michael Fabricant

Question accordingly agreed to.

Apprenticeships, Skills, Children and Learning Bill

Consideration of Lords amendments

Madam Deputy Speaker (Sylvia Heal): I draw the attention of the House to the fact that financial privilege is involved in Lords amendments 48, 87, 91, 105, 119 and 177.

Before Clause 1

4.50 pm

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): I beg to move, That this House agrees with Lords amendment 1.

Madam Deputy Speaker: With this it will be convenient to discuss Lords amendments 2 to 33, 39, 75, 76, 83 to 85, 87 to 112, 114, 158, 160, 161, 165, 166, 169 and 173.

Kevin Brennan: Let me take this opportunity to thank hon. Members in all parts of the House for their contribution to the Bill so far. I am sure that to many hon. Members in the Chamber the Bill will seem like an old friend, having started its journey in this House back in February. It has been away for a long holiday and has now come back, perhaps a little fatter than before—changes were made to the Bill in the other place—but in pretty good shape as a result.

In response to the views expressed in both Houses, Lords amendments 1 and 2 provide a clear definition of what it means to complete an apprenticeship in England and Wales respectively. We have ensured that employed status is a key element of an apprenticeship. Where the Secretary of State or Welsh Ministers propose to allow some flexibility, we have ensured that the regulations setting out the alternative completion conditions will be subject to affirmative resolution.

The clauses dealing with the contents of the specification of apprenticeship standards in England and Wales now include explicit requirements for an apprenticeship framework not only to include both on-the-job and off-the-job training, but to specify relevant occupational competences and technical knowledge. Under the relevant new clauses, together with Lords amendments 4, 6 and 7, we have removed the provision for English and Welsh apprenticeship agreements. That means that if a person enters into an apprenticeship agreement in connection with either an English or a Welsh framework, regardless of where they work, they will be issued with a certificate in England or Wales respectively, provided that they meet the requirements.

We have already made a clear commitment to the House that framework-issuing authorities will be the sector skills councils and other sectoral bodies. To provide further assurance to such bodies, amendment 8 removes the power of the chief executive of the Skills Funding Agency to designate a person to issue frameworks generally, which we no longer consider necessary.

Mr. John Hayes (South Holland and The Deepings) (Con): I thank the Minister for paying tribute to the assiduous and sagacious contribution that the Opposition have made to our considerations.

How will the reduction in the number of sector skills councils, which is widely rumoured to be the Government's preference, affect their role in this regard?

Kevin Brennan: Not only is that reduction widely rumoured to be the Government's preference, but there has just been a statement to the House outlining that very policy. As usual, Madam Deputy Speaker, if you want to keep something a secret, announce it in the House of Commons—I have always found that to be a useful way of going about things. That reduction, which was announced in the White Paper that was published earlier today, has to be made in conjunction and collaboration with employers. The White Paper makes it clear that the UK Commission for Employment and Skills will work with the sector skills councils to bring about that sharp reduction in the number of sector skills councils, which is a response to what employers tell us about the complexity of the skills system.

Mr. Hayes: What the White Paper says—I have it here—is that the number of sector skills councils will be reduced to nine. The rumour is that the Government have rather less regard than the Opposition for sector skills councils, and that there may be further reductions, in both their capacity and budget. We would resist that hotly. However, given that we know from the leaked report that my right hon. Friend the Leader of the Opposition spoke about earlier that there are plans for swingeing cuts, we want an absolute assurance that those cuts will not affect sector skills councils or their capacity to deal with the matters that the Minister has just outlined.

Kevin Brennan: The hon. Gentleman should not listen to too many rumours. The figure of nine is nowhere to be found, and will certainly not be found in that document. The figures for savings in the document to which he referred were announced to the House in the Budget back in March, proving my point that if you want to keep something a secret, Madam Deputy Speaker, you should announce it to the House of Commons. However, I had better get back to the Bill before somebody notices that we have strayed from the Lords amendments that we are considering.

Lords amendments 9, 10, 13 and 14 provide that a framework may be issued only if the issuing authority is satisfied that it meets the specification for apprenticeship standards. We have made it clear that we would expect the chief executive of the Skills Funding Agency to consult widely with employers and their representatives on the draft specification for apprenticeship standards for England. Indeed, much of that consultation has already taken place, in anticipation of the Bill's becoming law. However, in response to concerns expressed in the other place, Lords amendments 16 and 17 place a duty on the chief executive to consult on the specification for apprenticeship standards for England with representatives of employers, further education institutions and other providers of training, as well as those persons designated to issue frameworks and any other persons specified in regulations.

In Committee in the other place, concerns were raised about some of the terms used in the Bill. Lords amendments 82 to 85, 87 to 94 and 99 to 110 replace the term "scheme" with "offer" throughout the Bill. Lords amendment 89 reflects the fact that young people are entitled to elect for the apprenticeship offer, although the amendment does not alter the substance of the offer itself.

Concerns were also expressed about the use of the term "principal" qualification to represent the course of training for the competence element, which is a framework requirement. It was not our intention to imply a hierarchy of qualifications within an apprenticeship framework. It is our view that what makes an apprenticeship unique, compared with other learning pathways, is the combination of vocational, technical and key skills qualifications, along with the mix of off-the-job learning and on-the-job application and the refinement of skills. The intention is made clearer in the Bill by Lords amendments 11, 15, 21, 26, 28, 29 and 30 to 33, all of which replace "principal" with "competencies" in describing the qualification for England and Wales.

In Committee in both Houses there was considerable debate about the need for greater flexibility of access to the apprenticeship offer for people with learning difficulties and disabilities, and, indeed, to apprenticeships more generally. Lords amendments 91 and 105 make changes to the apprenticeship offer qualifying criteria to address those concerns. Lords amendment 91 provides the flexibility to extend the apprenticeship offer to young people with disabilities, who might take longer to become ready to start an apprenticeship, up to the age of 25. Lords amendment 105 will enable young people with disabilities who might find it difficult to achieve the entry qualifications to provide alternative evidence that they are ready to embark on an apprenticeship. We are committed to working with the Special Education Consortium, with Skill, and with other groups with an interest in young people with disabilities, to ensure that the regulations strike the right balance between ensuring that as broad a range of young people as possible can take advantage of the apprenticeship offer and ensuring that standards are maintained.

Lords amendments 106 and 107 require the Secretary of State to consult Ofqual about the level of the qualifications that he intends to use in specifying and amending requirements for the apprenticeship offer. The original clause on careers education was interpreted by some as requiring schools to give pupils information about apprenticeships only when the person giving the advice thought it appropriate. The new clause inserted by Lords amendment 158 explicitly states that pupils must receive information on

> "options available in respect of 16-18 education or training, and…apprenticeships."

Lords amendment 114 makes explicit our expectation that everyone who successfully completes an apprenticeship at level 2 should also be able to aspire to achieve a level 3. It places a duty on the chief executive of the Skills Funding Agency to promote that progression. I hope that my hon. Friend the Member for Huddersfield (Mr. Sheerman), who is not in his place at the moment, will particularly welcome that measure. I should like to thank him and other members of the Skills Commission for their work and for the report, "Progression through apprenticeships", which came out in March. We welcome the report, and I will shortly write to my hon. Friend and his co-chair with the Government's response to the commission's recommendations. I also pay tribute to my hon. Friend the Member for Blackpool, South (Mr. Marsden) in that regard.

There was strength of feeling about the importance of engaging employers in apprenticeships, and amendments 16 and 17 make it explicit that representatives of employers, further education colleges and other training providers must be consulted on the specification of apprenticeship standards for England.

5 pm

Amendment 160 makes regulations that deal with the Secretary of State's power to specify apprenticeship sectors, subject to annulment by a resolution of either House of Parliament. That amendment was made on the recommendation of the Delegated Powers and Regulatory Reform Committee, which recommended that the power be subject to the negative resolution procedure rather than to no procedure.

Finally, amendment 173 was made in Committee in the Lords to give effect to the Delegated Powers and Regulatory Reform Committee's recommendations on which of the regulation powers should be subject to the affirmative resolution procedure. It makes the changes necessary by amending section 236 on orders and regulations of the Employment Rights Act 1996, as it is under that Act that the time to train regulations will be made. The Committee wished to see a higher level of parliamentary scrutiny applied to the following powers: in section 63D(2)(b), a power to specify any further conditions that an application must satisfy in order to qualify as an application under section 63D; in section 63D(6)(a), a power to specify any conditions about the duration of employment that an employee must satisfy in order to qualify for the right; in section 63D(7)(f), a power to specify further categories of people who may not make an application; and in section 63F(7)(j), a power to specify further permissible grounds of refusal. We are happy to follow the Committee's recommendations in that regard.

This is an historic Bill—the first Bill of its kind dealing with apprenticeships for more than 200 years. It follows on from the Statute of Artificers back in the 16th century, which, among other things, made provision that apprentices should not be allowed to drink beer on a Friday night. That is one amendment that we have not had from the House of Lords, but I commend the Bill and urge the House to agree to Lords amendment 1.

Mr. Hayes: It is a great pleasure to return to these matters. As the Minister said, it has been a long journey, but not an entirely unhappy one. The Bill has certainly been improved by consideration in Committee here and more especially in the other place. It is the Lords' views on these matters, of course, that we are considering today.

I press the Minister on the issue of sector skills councils, which formed an important part of his opening remarks. I think that a real difference is emerging between those who see a sectoral approach to the management and funding of skills as pivotal and those who prefer the role of the regional development agencies, which are given new life and new power in the White Paper published today. I think that the tension in the end is not a happy one. We want more power given to sector skills councils in respect of the matters we are considering. We view them as pivotal, as I said, to the funding and management of skills. I am not sure that the Government have a coherent view of the relationship between those sector councils and the regions that have been given new powers.

When we debated these matters earlier in the Bill's progress, we proposed an amendment to specify a definition

[Mr. Hayes]

of apprenticeships, which included the following components: agreement with employers to train a person using the practices, equipment and personnel of his or her enterprise in so doing; a mixture of on and off-the-job training; and training designed to lead to generally recognised levels of proficiency in a trade, profession or occupation.

The Minister will know that when those matters were taken up in the Lords, there was a Division, which the Government lost. The amendment that we are considering in respect of the definition of apprenticeship is a result of that Division and the subsequent concessions made by the Government to the case put by Opposition Members. I do not want to crow about that, which I think would be unworthy—and, actually, a little vulgar, which is something that I would certainly not want to be described as. None the less, it has to be said that—grudgingly, hesitantly, falteringly—the Government have moved to the position articulated all those months ago by both Conservative and, in fairness, Liberal Democrat spokesmen, and, indeed, supported by Members of the other place of all political persuasions, so the Government have finally conceded that we do indeed need a definition of an apprenticeship.

Why, it may be asked, is that so important? Let me answer that rhetorical question. It is important because the apprenticeship brand matters. Unless we define an apprenticeship, there is a real prospect that that brand will be diluted. It is essential for people to know what an apprenticeship comprises—important to employers, important to potential apprentices, and important to wider society. People need to know that an apprenticeship confers real competences which lead to greater employability. That is why a definition of apprenticeship is so critical. That is precisely what the Lords argued, and it is in part what is said in the Government amendment that we are considering, which emanates from the Lords. However, we remain concerned about the provision in the amendment for "alternative... completion conditions". We are a little anxious that that may prove to be a loophole allowing the devising and delivery of apprenticeships that do not contain the core components that I described earlier.

Let me say at the outset that I do not in any way underestimate the role or significance of pre-apprenticeship training. I know that many organisations, some of which were mentioned in the House earlier today, do excellent work in providing people with the skills that are necessary before they move on to a full apprenticeship, and I pay tribute to that work. I do not think that there is much difference between us and the Government in that regard. We do, however, seek an assurance from the Government that the provision does not constitute a loophole, and that it will not be used liberally or permissively to undo the good work attempted in the rest of the amendment.

We accept the Government's position that alternative completion conditions may be used to allow pre-apprenticeships for up to six months, but it is not possible to complete a full apprenticeship in that way. Surely the six months count only if a proper apprenticeship follows them. We are pleased that the Government have conceded the need to insert a duty to consult employers on those drawing up draft apprenticeship specifications. The standards that employers will set will be critical to the success of those apprenticeships, for the reasons that I cited earlier relating to both the competences that they deliver and people's faith in the brand.

In the other place, Lord De Mauley said:

> "The Government trumpeted the arrival of this Bill, saying that it would bring in a statutory entitlement to an apprenticeship for 16 to 18 year-olds. A definition of that entitlement therefore seemed, to us and many others, crucial. Apprentices, employers, employees and the wider public need absolute clarity about what this entails and what the qualification means. As the noble Lord, Lord Young, said in Committee in June, the Bill is not just about creating more apprenticeships but about ensuring that they remain a respected brand, with people feeling that they are being given a real career opportunity and delivered a quality experience."—[*Official Report, House of Lords*, 2 November 2009; Vol. 714, c. 17-18.]

In 2006, the Adult Learning Inspectorate warned:

> ""Some apprentices can potentially achieve the full requirements of the apprenticeship framework without having to set foot in a workplace".

I raised the point in the House at more or less that time, and, although Ministers are shaking their heads, I think that it was feared across the Chamber that unless we strengthened the definition of apprenticeships—unless we retained what might be called the sovereignty of the brand—employers, learners and the wider public would lose faith in apprenticeships. We have made some progress, therefore. We welcome the additional clarification supplied by the amendments, as it was necessary.

I shall make one further contextual point, because we need to nail once and for all the misunderstanding—that is a parliamentary way of putting it—about apprenticeship numbers. This issue was debated again in the House today, at Prime Minister's questions. The number of level 3 apprenticeships has not grown; it has fallen. The number of apprenticeships as a whole has grown, but the number of starts at all levels is, as it were, struggling, as the Government know.

Kevin Brennan: The hon. Gentleman is talking about context. Will he acknowledge that the number of apprenticeships at that level is on the rise, and would he also like to tell us what the completion rate was when his party was in power compared with what that rate is now? I can help him on that second question; the current rate is almost double.

Mr. Hayes: As the Minister knows, I am both straightforward and generous, and I have said on the record in the House that progress has been made on completions. However, in a similar spirit of straightforwardness—and even, perhaps, of a little generosity—the Minister might acknowledge that the number of level 3 apprenticeships has not met Government targets and has come nowhere near what the Prime Minister has repeatedly predicted, both as Chancellor and in his current role. That has inevitably led to doubts about the effectiveness of the Government's policy on level 3 apprenticeships. This is not a matter of partisan contention; it is simply a matter of fact. However, we must now move on, as you, Madam Deputy Speaker, would chide us if we did not because we are straying from the subjects we should be debating.

I need to say a few words about the amendments that deal with careers advice for apprenticeships. We originally proposed an amendment that was intended to ensure that schools provide information about apprenticeships as a key route to a particular occupation or trade alongside other education and training options for 16 to 18-year-olds. Government amendment 158 does not make it necessary for young people in schools to be informed specifically about the value of apprenticeships as a route to a skilled job, and there is a great danger that pupils who would find such advice valuable will not receive it. It is vital that we improve careers advice.

Mr. Gordon Marsden (Blackpool, South) (Lab): The hon. Gentleman talked about a spirit of generosity. Will he therefore be a little more generous to the Government in the context of this amendment? The value and comprehensiveness of the advice that is given is dependent on the authority and wisdom of the provider, rather than on an amendment in Parliament.

Mr. Hayes: The hon. Gentleman has a distinguished record as the chairman of the all-party group on skills, and he is a diligent and knowledgeable speaker and thinker on these subjects. I do not wish to embarrass him by creating a gap between his position and that of his Front-Bench colleagues, but he is not unsympathetic to the Conservative policy of an all-age careers service with a presence in every school and college and also a high street presence, sitting alongside Connexions. Certainly, that is the impression I have got from him informally, when discussing these matters over a number of years. I think that we ask too much of teachers when we expect them to be both good teachers and good careers advisers, and that we need to re-professionalise the careers service in the way I have just described—and, to be frank, I do not think that the hon. Gentleman and I are far apart on that.

My reason for holding this opinion is that, as the Government know, the polling evidence suggests that teachers are struggling to give advice on vocational routes, even when many young people would welcome such advice. In 2008, a YouGov poll on the issue revealed that only 24 per cent. of teachers felt that apprenticeships were a good alternative to A-levels. Interestingly, by contrast, 55 per cent. of employers and 52 per cent. of young people themselves thought that they were a good option. It is essential that pupils get the best possible advice and the most detailed and accurate information on both academic options and vocational routes. We were pleased that the Government accepted our argument on that point, to the degree in which this amendment deals with those matters—I hope that that is sufficiently generous for the hon. Member for Blackpool, South (Mr. Marsden).

5.15 pm

Lord De Mauley has done a splendid job in the other place in attempting to improve this Bill, and I pay tribute to his sterling work. He argued:

> "The Government propose amendments to the Education Act that would ensure that the provision of a programme of careers education includes information on education, training and apprenticeships."

However—I should say to the hon. Gentleman that this is why I added a caveat to my welcome—he went on to say:

> "They have not, however, taken the opportunity to make statutory and effective changes to the careers education system. As things stand, in about two-thirds of schools in England, careers advice is given by teachers with no professional qualification in the field. Further advice may come from the Connexions service, which replaced the careers service in 2001."—[*Official Report, House of Lords*, 2 November 2009; Vol. 714, c. 44.]

As this House knows, Connexions is a service that must provide advice on all manner and means of subjects—lifestyle issues, as well as careers. Again, I think we ask rather too much of Connexions advisers when we ask them to be authorities on every kind of career and also able to advise on drugs, sexual health and all sorts of other pertinent matters. A decline in the quality of advice, particularly about vocational options, seems to be the result of that change in 2001, and it must be dealt with promptly and decisively.

I should add at this point, because it is relevant to this amendment, that it is vital that we establish a clear and seductive vocational pathway that matches the well-established and transparent academic path which so many of us followed. Most of the people in this Chamber will have done GCSEs—the older among us will have done O-levels—then A-levels and then a degree, and perhaps then a further degree. The clarity of that option means that many take it who, given other advice, might perfectly properly, because of their tastes and aptitudes, take a vocational pathway. That pathway is altogether less clear and perhaps, as a result, less accessible. Our determination in all these matters is to create just that kind of clear, accessible pathway and proper advice on it.

Mr. David Laws (Yeovil) (LD): Is the hon. Gentleman not concerned that creating such an attractive vocational pathway would be undermined by his party's policy of excluding all vocational qualifications from the league tables? Would that not create a false incentive for people not to be encouraged to take vocational qualifications?

Mr. Hayes: I do not want to digress, Madam Deputy Speaker, and I can see in your benevolent but stern eye that you thought that I might do so.

The Secretary of State for Children, Schools and Families (Ed Balls): Answer!

Mr. Hayes: I shall simply say to the hon. Member for Yeovil (Mr. Laws) that I defer to my hon. Friend the Member for Bognor Regis and Littlehampton (Mr. Gibb) in all such matters, and he tells me that "they will not be excluded"—quote, unquote. *[Interruption.]* We must move on. The amendments to clause 30 deal with certification. *[Interruption.]*

Madam Deputy Speaker: Order. Perhaps both Front-Bench teams will now come to order so that Mr. Hayes may continue his contribution.

Mr. Hayes: I am immensely grateful for your benevolence, Madam Deputy Speaker. My hon. Friend the Member for Bognor Regis and Littlehampton will have his chance to speak later. *[Interruption.]* Much later, actually.

The amendments relating to certification address concerns raised by Lord Layard that the Bill introduced the perception of a possible hierarchy of qualifications where "occupational competencies"—national vocational qualifications—were seen as more important than the demonstration of technical knowledge. The Government amendments remove that perception, so that it is obvious that the two component parts of an apprenticeship are

[Mr. Hayes]

seen as being of equal weight and as equal conditions of completion. We welcome the further moves that the Government have made in this regard. Throughout the Bill's passage through both this House and the other place we have constantly called for further definition and clarification as to the composition and requirements of an apprenticeship.

That brings us back to the issue of reinforcing the brand in the eyes of all those concerned. Fundamentally, we need to ensure that what is taught and tested delivers real competences that match economic need and add to the individual's employability. That is the bottom line of an apprenticeship; indeed, it is what most people think that an apprenticeship should be in all cases. That seems to me to be relatively straightforward. The issues about certification are closely linked to the amendments on the other matters that I have raised—those on advice and guidance and on definition.

In summary on this group of amendments, because I know that we have a lot to consider and that other Members will be eager to contribute to the debate, they are important because apprenticeships are important. The Opposition see them at the heart of a policy to meet the nation's skills needs and to provide opportunities to thousands—indeed, to hundreds of thousands—of our citizens. You will know, Madam Deputy Speaker, because you take a keen interest in these matters, that the Opposition hope to create 100,000 new apprenticeship and pre-apprenticeship training places each year. You will not be surprised to hear that we are pleased that, grudgingly, falteringly and rather slowly, but none the less essentially in the right spirit, the Government have moved a little closer to the common-sense position of the Conservative party.

Mr. Marsden: In speaking about Lords amendments 31 and 158, I want to follow the spirit of the speech made by the hon. Member for South Holland and The Deepings (Mr. Hayes), who expressed his concern about the implications of the lack of support for apprenticeships and other career routes in school, although I must tell him gently that I think that he is slightly missing the point. I welcome the amendments because they go with the grain of what the Government are trying to do and not against it. The Government have, in their previous statements and in the statement this afternoon, rated information, advice and guidance very highly.

It is important to have the amendments on the record. It seems to me that there is a slight misunderstanding of, or mismatch in, what we expect to be provided in schools. The hon. Member for South Holland and The Deepings said that we sometimes expect too much of teachers in this respect, and I suggest that one of the reasons why is that hitherto we have not provided structures for or enough focus on what information is to be given to students in schools and colleges.

The Government's policies and the amendments provide much greater flexibility for the provision of that information. The hon. Gentleman is quite right to refer to statistics that suggest that non-academic routes and qualifications are sometimes not as highly recommended to students by teachers and by careers advisers in schools as they should be. He quoted the YouGov poll and he will also be aware, as will my hon. Friend the Minister for Further Education, Skills, Apprenticeships and Consumer Affairs, of the Sutton Trust's findings in this respect, which also showed a rather concerning low level of support for and endorsement of apprenticeship routes in schools. There is a job to be done there, but we need also to have a step change in the way in which we look at the provision of information, advice and guidance in schools.

The National Skills Forum and its associate parliamentary all-party skills group, which I have the honour of chairing, have produced two reports on the issue of information, advice and guidance. One was called "Inspiration and Aspiration" and it dealt centrally with information, advice and guidance. The other was produced earlier this year: it looked at the provision of information, advice and guidance in the context of women, especially young ones, and challenged some of the stereotypes. Again, I pay tribute to how the Government have engaged with both reports, as they have taken up positively many of the recommendations.

The amendments would make the provision of information, advice and guidance a duty, but that would not necessarily give teachers or careers advisers a raft of new tasks. What we need to understand is that more and more young people want to get information, advice and guidance online, and from people who have recently attended their own schools or colleges and then gone on into a particular sector. They want to hear from people with long experience in a particular field, and they also want to leave their educational institutions to get some on-site experience and training.

If the amendments are interpreted as generously as I would wish, they would provide a step change in that regard. It was very clear from the evidence that we took on the National Skills Forum reports, and especially the one on the gender skills gap, that experience is very important for young women in their 20s. For example, British Gas has been very successful in encouraging young women to join its work force and take up apprenticeships. That sort of hands-on experience is very valuable.

I hope that the amendments will not cause careers advisers and teachers to groan and say, "This is another lot of things we have to gen up on." They play a central role in schools and colleges and although they are not the sole providers of advice and information, they are certainly the prime enablers in that respect.

Mr. Hayes: I shall not delay the hon. Gentleman, but I am familiar with both of the reports from the all-party group. In fact, I was a witness for both. He made a point about older learners and, as he said, the report on women emphasises the importance of making training opportunities available to women in their 20s. He will be as shocked as I am, therefore, to hear of the leaked Government document that suggests that funding for adult apprenticeships—just the sort of people to whom he has referred—is to be cut by 10 per cent.

Mr. Marsden: I bow to your guidance, Madam Deputy Speaker, but I think that the hon. Gentleman is straying off the point. I think that the Minister gave a very full and robust response to that charge earlier.

In conclusion, I very much welcome the amendments, but I hope that they will be the beginning of the journey and not the end. We must make it very clear that a

21st century structure for the provision of the best information, advice and guidance to young people in schools and colleges can be achieved in a number of ways, and not just in one way.

Stephen Williams (Bristol, West) (LD): I would like to begin by welcoming the Minister to our proceedings on this Bill. Two different Departments were responsible for the Bill when we began our progress with it through the House of Commons, but since then not only has there been a complete transformation of the ministerial team, but a completely new ministry has been created. In fact, I think that the Secretary of State for Children, Schools and Families is the sole survivor of the joint Department for Innovation, Universities and Skills and Department for Children, Schools and Families ministerial team. Of course, if the rumours are true, he wanted to move somewhere else as well.

5.30 pm

I should like to thank our colleagues in the House of Lords who have considered the Bill at great length in Committee because it is much improved from how we left it at the end of our proceedings. I thank my Liberal Democrat colleagues—Baroness Walmsley, Baroness Garden and, in particular, Baroness Sharp of Guildford, who has spoken for my party for many years on higher education and skills and who is now stepping down from her Front-Bench role. When summing up for the Government in the House of Lords last night on Third Reading, Baroness Morgan of Drefelin was generous in her tributes to my colleagues and mentioned the staff who back them up, and, in that respect, I should like to mention Tim Oliver.

The Lords gave the Bill serious consideration. It is rather disappointing that we have rather truncated proceedings today—just three hours to consider more than 200 amendments—and that is one of the reasons why I will try to be brief in my remarks.

I welcome three areas in the improved Bill—first, Lords amendment 16, which recognises that other people should be involved in developing the apprenticeship framework. Including the sector skills councils and further education colleges in the discussions leading to a framework was the subject of many amendments in Committee in the Commons, but those amendments were stoutly resisted. It is welcome that the Government now recognise that sector skills councils, as representatives of employers who know their industries in depth, have a crucial role to play. They, rather than regional development agencies, should be the drivers of speaking up for employers. I welcome the fact that other private sector providers will be involved also.

I welcome the assurances that were given in another place that full consideration will be given to ensuring that there is a good pathway for young people and adults who suffer from disabilities, to ensure that apprenticeships are genuinely open to all. My hon. Friend the Member for Mid-Dorset and North Poole (Annette Brooke) spoke about those matters in Committee.

I want to concentrate on the subject that the hon. Member for Blackpool, South (Mr. Marsden) made the centrepiece of his speech: the information, advice and guidance given to young people as part of their educational journey. Clause 35 as we considered it only allowed for the providers of information, advice and guidance—most likely to be teachers in their schools—to consider what they felt was in the best interests of the young people in their charge and did not require them specifically to mention the opportunity of taking up an apprenticeship place. That was certainly resisted not only by me, but by the hon. Member for South Holland and The Deepings (Mr. Hayes). If that provision has been withdrawn and the expectation is that, as he said, apprenticeships and vocational training will be advocated by the providers of information, advice and guidance, that is certainly a welcome step forward.

As the hon. Member for Blackpool, South rightly said, information, advice and guidance must be aspirational if it is to achieve its purpose. He specifically mentioned women. Like him, I played a part in the all-party skills group report as well. We must ensure that people from all walks of life participate in apprenticeships in future. It is not right that only 2 per cent. of the people on engineering apprenticeships are women. Equally, it is not right that only about 2 per cent. of the people who take up a children and young people teaching apprenticeship are men. Both those gender imbalances need to be challenged.

It is also right that the information, advice and guidance must say that a vocational pathway is an attractive career option for young people. I have heard so many times, not just in Bristol but cited elsewhere as well—I do not think that it is an apocryphal story—about a teacher taking a group of young people around a high-tech factory and saying that it was important that her young charges saw it because, if they did not work hard, that is where they would end up. Unfortunately, some attitudes to vocational training need to be challenged, and the Bill will now at least contribute to challenging some of those long-entrenched views.

It is important that the providers of information, advice and guidance make it clear that an apprenticeship can be an end in itself, and a good one. I am slightly worried about a dislocation in Government thinking. We are still digesting the contents of the skills White Paper that was launched a couple of hours ago. There was much concentration in that report on a pathway from an apprenticeship to higher education. We must not assume that higher education is the ultimate aspiration that everyone should try to achieve. An advanced apprenticeship could be a satisfying career pathway for young people.

Kevin Brennan: I thank the hon. Members who contributed to this interesting debate from which we learned new things. Thanks to the intervention from the hon. Member for Yeovil (Mr. Laws), we learned that the Conservative Opposition will publish the vocational results in a separate league table. Presumably they will—

Mr. Nick Gibb (Bognor Regis and Littlehampton) (Con): May I put the Minister out of his misery? What we want to do—what our policy says we would like to do—is to have as much information as possible made available to parents about the results that a school produces. Whatever those qualifications are, they should be published by the school to give parents the maximum information.

Kevin Brennan *rose*—

Madam Deputy Speaker: Order. I remind hon. Members that we are discussing Lords amendments.

Kevin Brennan: Indeed, Madam Deputy Speaker. There is a relevance, as I shall show in a moment.

The hon. Member for Bognor Regis and Littlehampton (Mr. Gibb) made a new distinction between "what we want" and "what our policy says we want". We all know what he means—that there will be one league table for the academic results, which in his eyes will be the equivalent of the premiership, and another league table, which will be the equivalent of the Vauxhall conference, because there is no commitment to parity of esteem for vocational education from the Opposition. That is what the Bill and the amendments are about.

In his usual entertaining and eloquent way, the hon. Member for South Holland and The Deepings (Mr. Hayes) told us his position and welcomed many of the amendments, as I did in my opening remarks. He tried, in typical and understandable fashion, to open up a false dichotomy or distinction between the Government's position on sector skills councils and regional development agencies. Both are important. It was important for the hon. Gentleman to make his point because he wants to cut regional development agencies, despite the huge multiplier effect that they have on local economies, as has been shown by research. He wants to cut them away, if he ever gets the opportunity to do so.

We recognise that both are important in the skills agenda. Regional skills strategies will reflect the relevant national and sectoral priorities, and regional development agencies will work with sector skills councils, employers, local authorities and others to ensure that those sectoral priorities are articulated. There is no dilution of commitment by the Government to the sector skills councils, which we helped to set up and with which we work closely.

I will not go into the hon. Gentleman's anxious desire yet again to wave his so-called secret document, except to remind the House that it was agreed as part of this year's Budget that we would be seeking the savings outlined in the document to which he refers. My right hon. Friend the Secretary of State for Communities and Local Government, in his previous role as Secretary of State for Innovation, Universities and Skills, wrote publicly to the Learning and Skills Council in May this year outlining that.

The hon. Member for South Holland and The Deepings referred to level 3 apprenticeships. The expansion of those apprenticeships announced in the White Paper earlier this afternoon was widely welcomed across the House. In recent years, the proportion of level 3 apprenticeship starts has remained at about 30 per cent., increasing to 32 per cent. in 2007-08 and 34 per cent. in 2008-09. In fact, they are at an all-time high because the number of apprenticeships has been growing generally, so I think that the hon. Gentleman and I will have to agree to disagree on that.

The hon. Gentleman asked whether the alternative completion conditions constituted a loophole in terms of the standard of apprenticeships. The regulations will set down the criteria for alternative completion conditions, and they will require affirmative resolutions in both Houses. I can assure him that those conditions do not create a loophole. Those conditions are necessary in order to ensure, for example, that apprentices who are made redundant may complete their apprenticeship on an unpaid basis, and to deliver pre-apprenticeship contract periods for young people on third sector schemes—mentioned in the House earlier this afternoon—provided by organisations such as Barnardo's and Rathbone. Indeed, those conditions were included in the Bill very much at the request of organisations that engage in that kind of pre-apprenticeship training. I hope that those remarks have reassured him.

Mr. Hayes: While the Minister is in the mood to give assurances, can he finally wrap up the matter of sector skills councils? The amendments, reinforced by some of the remarks in the White Paper—although I feel that there is a contradiction between the RDAs and SSCs in this respect—make it clear that sector skills councils will play a critical role in approving qualifications. How can that be squared with the rationalisation of their number given their diverse range of responsibilities and the very wide range of those qualifications?

Kevin Brennan: I am confident that, as we speak, sector skills councils and employer-led organisations are working together to rationalise their number because they themselves recognise that there are too many bodies and that there is therefore a need for such rationalisation. They do not want Government to specify a particular number, and we have not done so, for the very reason that there should be an employer-led approach. I would have thought that the hon. Gentleman welcomes a decluttering of the skills system, particularly where it is employer-led, as in this case, and given that it has been recommended by the UK Commission for Employment and Skills and that employers are working together to bring this about in a manner that makes sense for the economy and for those industries and sectors. He is right to point out that the amendments strengthen and clarify the role of sector skills councils in relation to apprenticeship frameworks.

The hon. Gentleman mentioned careers and information advice and guidance, as did my hon. Friend the Member for Blackpool, South (Mr. Marsden). A careers profession taskforce is to be established, and it will report in 2010. Careers education and statutory guidance for schools, including comprehensive information and advice on apprenticeships, will be part of that, and adherence will be inspected by Ofsted. There will be a full-scale review of the requirements of careers specialists and the Teacher Development Agency in relation to resources and professional development for all teachers. We are creating a new adult advancement and careers service, working in partnership with Jobcentre Plus. Once that is up and running, then we will, in 2011, consider the effectiveness of those arrangements for joint working and whether any further changes are needed.

My hon. Friend the Member for Blackpool, South made an extremely thoughtful and interesting contribution about information, advice and guidance, reminding us that this is not about putting extra burdens on teaching professionals. He also reminded us about the ways that young people these days like to access and experience information, advice and guidance on careers. His contribution was extremely helpful.

Mr. Hayes: Before the Minister sits down, will he say a word about amendments 84 to 86—those recommended by Lord Layard?

Kevin Brennan: I think I may have to refer to my notes and do that in a moment. First, I wish to refer to the remarks of the hon. Member for Bristol, West (Stephen Williams), who was concerned about whether the expected provision of information, advice and guidance on apprenticeships had been strengthened by the amendments. I can give him that assurance. The Government always intended that information should be given to everybody, not only to those whom the giver thought might be suitable for an apprenticeship. We recognised that our original drafting did not make that clear, and we have improved it, but our intention to ensure that everybody had information about apprenticeships was never in doubt.

5.45 pm

On the question the hon. Member for South Holland and The Deepings has just asked me, I understand that Lord Layard's concern was that the term "scheme" was redolent of projects introduced during the 1980s, such as the youth training scheme, and that it might be deemed a derogatory term if it were used rather than one such as "offer", which is much more positive. That was the reason for the change. It was a semantic change, but nevertheless one that the Government were happy to accept.

Lords amendment 1 agreed to.

Lords amendments 2 to 33 agreed to.

Clause 40

EDUCATION AND TRAINING FOR PERSONS OVER COMPULSORY SCHOOL AGE: GENERAL DUTY

The Parliamentary Under-Secretary of State for Children, Schools and Families (Mr. Iain Wright): I beg to move, That this House agrees with Lords amendment 34.

Madam Deputy Speaker: With this it will be convenient to discuss Lords amendments 35 to 38, 40 to 42, 65 to 71, 74, 77 to 82, 86, 113, 116, 117, 177 and 179 to 186.

Mr. Wright: The amendments are concentrated on crucial changes to the machinery of government to improve the delivery of education to young people and adults, and they demonstrate that we have listened to and taken seriously concerns from all sections of this House and the other place and worked hard to address them.

As the House will recall, local authorities will be supported in their new central role in commissioning services for 16 to 19-year-olds by the new Young People's Learning Agency. "Supported" is the right word, because the YPLA will be there to assist local authorities, not tell them what to do. That was always our clear intention. Throughout the passage of the Bill we have listened to those who were concerned that that principle was not always obvious, and we have accordingly made a series of amendments to clarify our intention and make it more explicit in the Bill.

Lords amendment 67 stipulates that when the YPLA uses its powers to commission provision, it must have regard to things done by local authorities as they perform their new duties in relation to young people aged 16 to 19, those aged 19 to 25 with a learning difficulty assessment and those subject to youth detention. Lords amendment 68 means that the YPLA will have to have approval from the Secretary of State before giving a direction to a local authority that is failing, or likely to fail, in its duties to secure provision for those groups of young people. I am due shortly to publish a consultation draft of the national commissioning framework, and I want to make it clear in that document that the powers in question will be used only as a very last resort and after all options of support and challenge have been explored and exhausted.

Lords amendment 70 extends the YPLA's duty to issue guidance to local authorities to cover other aspects of their new role.

Lords amendment 71 would give the YPLA a duty to consult local authorities and other persons it considered appropriate before issuing guidance about performance by local authorities of their new duties.

Lords amendments 179 and 180 set out that the first chief executive is to be appointed by the Secretary of State and later chief executives will be appointed by the YPLA, subject to the Secretary of State's approval. That is entirely consistent with the approach to other non-departmental public bodies. I know that the Opposition have some concerns about that, but, having listened to the anxieties expressed in the other place, we are of the opinion that the recruitment of an executive employee should be carried out by the employer—in this instance, the YPLA—rather than be a public appointment by the Secretary of State. We do not believe that the amendment would lead to an increased separation of the YPLA from the Secretary of State, but that it gives the YPLA, like other NDPBs, a sensible amount of power to appoint its own chief executive, subject to approval by the Secretary of State.

Mr. Laws: Are there other examples of that approach in non-departmental public bodies?

Mr. Wright: Last year, I took the Housing and Regeneration Bill through the House, and the appointment of the chief executive of the Homes and Communities Agency was almost entirely—word for word—consistent with the approach in the Bill. We are clear that that will not affect the clear lines of ministerial responsibility for the YPLA. The Secretary of State, through his remit letter to the YPLA, will set out the tasks that it must perform, including any necessary operational details, and the YPLA will be accountable to the Secretary of State, and hence to Parliament, for its performance and management. Its funding will be accounted for in the Department's expenditure plans. Under clause 75, the Secretary of State can give directions to the YPLA.

We had included a requirement for the YPLA, the Skills Funding Agency and local authorities to avoid provision that might give rise to disproportionate expenditure. Concerns were raised in another place that that could result in higher cost provision for learners with special needs no longer being made available—a possible get-out clause. That was never our intention. To minimise such concerns, we have removed the phrase "disproportionate expenditure". However, it is important to point out that we still expect those bodies to make the best use of their resources. Local authorities are already subject to best value duties under the Local Government Act 1999. The YPLA and the chief executive of the Skills Funding Agency are still required by the Bill to make the best use of their resources.

Lords amendment 41 introduces a requirement to consult governing bodies and other relevant parties

[Mr. Iain Wright]

before a local authority exercises its power to direct a college to take a named individual. I must stress that that is not a new power, but an existing power, which the Learning and Skills Council already has. The amendment would make explicit in the Bill the need for local authorities not to force through their wishes without consideration for governing bodies, but to consult any relevant colleges.

Although the majority of young people will find a suitable place to study further education with relative ease, we must ensure that local authorities have the tools and levers at their disposal to support the minority of young people who may struggle to find a suitable place of learning where they can thrive and achieve. In exercising that power, local authorities will be required to have regard to any guidance provided by the Secretary of State. We imagine that such a power would be used only in exceptional circumstances, and only once a young person, supported by independent advice and guidance, often through the local Connexions service, has exhausted all the available options. The amendment is particularly important to enable local authorities to support some of our more vulnerable groups of young people, such as ex-offenders, children in care or care leavers, who often face additional barriers to participation, to find a place to continue their education.

The powers are particularly relevant and necessary in the context of the historic legislation to raise the participation age. We want to ensure that no young person is disadvantaged and considered in default of their statutory duties just because they have been unable to find a suitable learning place. We believe that the change brought about by the amendment, which reflects what we would expect local authorities to do anyway, will help to reassure colleges about the use of that power.

Sixth-form colleges are some of our most successful educational institutions, popular with pupils and parents. I should like to mention Hartlepool sixth-form college, where I came from, which, in one of its first public acts since opening its new £24 million redevelopment, courtesy of Government money, played host on Friday evening to the BBC's "Any Questions?" and is a great example of the high-quality educational offer that sixth-form colleges can provide. The Bill will build on that success by creating a separate sixth-form college designation, enabling them to evolve as a sector.

Lords amendment 182 reduces the period before a sixth-form college can redesignate as a further education college from five to two years. Lords amendments 181 and 183 to 186 create a requirement for local authorities and the YPLA to consult governing bodies before using their powers to appoint governors. Again, we always expected that that would happen. Although the creation of the new designation has been generally popular, we hope that the changes in the Lords amendments will help to reassure sixth-form colleges about the operation of the new arrangements, and in particular show our intention to preserve the autonomy of sixth-form college governing bodies.

Lords amendments 34 to 37, 40, 42, 74, 77, 78, 81, 82, 116 and 117 are minor and technical changes to improve and clarify the drafting.

I hope that I have fully explained the reasoning behind the Lords amendments.

Mr. Hayes: As the Under-Secretary said, the second group of amendments contains minor improvements, which we broadly welcome. He made it clear that Lords amendment 67 clarifies the relationship between the YPLA and local authorities, and that is helpful.

We have consistently argued that sixth-form colleges should be able to convert to a further education corporation after two rather than five years from when a sixth form college corporation is declared. I acknowledge that the Government have now accepted that argument.

The Government also conceded our point about requiring the YPLA and sixth-form colleges to consult the SFA before appointing someone to the board.

As the Under-Secretary said, Lords amendment 68 would make it clear that the YPLA had to get approval from the Secretary of State before issuing a direction to a failing authority.

Nevertheless, the amendments do not address the fundamental problems of the structure that the Bill proposes. The recession should surely have taught us that we need a dynamic and responsive system. Instead, the Bill represents the needless bureaucratisation of the management and funding of FE, skills, and in particular the apprenticeship system.

The abolition of the LSC, the creation of the three new agencies—the YPLA, the SFA and a National Apprenticeship Service—and the placing of further education under LEA control create a system whereby everyone has a say, but no one takes responsibility. Consequently, and perhaps without appropriate thought or planning, I suspect that the new system will be as bad as the LSC and possibly worse. It is more bureaucratic, has a greater capacity for contradiction, overlapping responsibilities and confused lines of accountability. At the very least, it is a wasted opportunity, given that we are getting rid of the LSC.

Represented diagrammatically, the system would be a mix of a Jackson Pollock painting and a Heath Robinson drawing. Represented musically, it would be Iron Maiden playing Shostakovich. It is, at best, an extremely muddled and mixed system. At worst, it risks jeopardising the interests of business, learners and the economy as a whole.

It is extraordinary that to that littered landscape the Government are adding a new, big role for regional development agencies. The many Government amendments we are now considering are an indication of just how complicated, and in my judgement unworkable, the arrangements that the Bill puts in place are likely to be in practice.

6 pm

Amendment 180, which is to schedule 3—on the appointment of the chief executive of the YPLA—would enable

"Later chief executives…to be appointed"

to

"the YPLA…on conditions of service determined by the YPLA".

We have serious concerns about this change, to which the Minister referred. The new conditions in question are set out in paragraphs 5(1) and (2) to schedule 3. In the initial draft of the Bill, the chief executive was to be appointed by the Secretary of State. Following changes resulting from the debate in the other place, now only the first chief executive will be appointed in that way—subsequent appointments will be made by the YPLA itself, but those will be subject to the Secretary of State's approval. I note what the Minister said on those terms.

That creates what was called in "Monty Python and the Holy Grail" a "self-perpetuating autocracy". It is an extraordinary further complication of what is already a complex system. We do not support that development. Reducing the powers of the Secretary of State over appointments to the YPLA has the effect of weakening democratic accountability. It is a further criticism of the structure that is being proposed—indeed, invented—by the Bill that the lines of accountability to this place are increasingly confused. Members will be concerned that amendment 180 reduces their authority over such matters still further.

The YPLA surely should be accountable to the House via the Secretary of State. That is the least we should expect. Since the Secretary of State should have the ultimate responsibility for the performance of the YPLA, surely it is important that he has sufficient authority over it, which should include something as important as the appointment of the chief executive.

One of the most damaging consequences of the proliferation of quangos under this Government has been the understandable sense among the public that those with power over their lives are shielded from democratic accountability. Agencies are not answerable to the public. That is why Ministers should retain control over appointments to quangos—so that they can answer for quangos' actions to the public through Parliament. If that does not happen, the link between power and elected accountability is inevitably degraded.

Quangos should operate at arm's length from the Government and the Minister with responsibility for them only in a defined and limited range of circumstances, which might include politically impartial decision making, transparent determination of facts or work of a specific technical or regulatory nature. My right hon. Friend the Leader of the Opposition addressed that in a speech on 6 July and explained how a Conservative Government would approach the management of quangos, which is particularly relevant to the debate on this group of amendments. He said:

> "any delegation of power by a minister to a quango will not mean a corresponding delegation of responsibility…our goal is democratic accountability, not bureaucratic accountability".

Amendment 180 takes the opposite approach and is not consistent with accountable government of the kind described by him and, actually, of the kind that is dear to the hearts of all good parliamentarians, regardless of party affiliation.

In the other place, my noble Friend Lord De Mauley put the argument persuasively when he pointed out the different constitutional bases of the YPLA and the SFA. There are real doubts about the different personalities of those two organisations and the resulting difficulties of their relationship. He said that the SFA is an agency under the aegis of the Secretary of State, whereas the YPLA is a non-departmental public body. He went on to say:

> "we express our opposition to"

the

> "government Amendments"

which

> "would allow the YPLA the power to appoint its own chief executive, albeit subject to the approval of the Secretary of State. If the YPLA is to exist, it should be held to account in the same way"

as

> "the SFA as an agency should be held to account. The principle of democratic accountability must hold fast".—[*Official Report, House of Lords*, 2 November 2009; Vol. 714, c. 89.]

Part of the confusion that is likely to be created by the Bill will result from the different mechanisms by which those bodies are answerable to the House and to Ministers.

The Government are planning an immensely complicated system and it is not, frankly, widely welcomed in the sector. When I speak to people in the sector, they tell me that they too feel that it is going to be convoluted and may be difficult to navigate. The lines of accountability are not as they should be, as I have described. As a result, the new structure is not regarded as likely to be better than the LSC, which is quite an achievement; suddenly, the LSC has friends! The LSC was rather like the red army— though big, insensitive and expensive, it was at least predictable. The new system is anything but. Actually, it is less like Soviet Russia and more like Byzantium.

I am surprised, because the Minister is a good Minister, a diligent Member of the this House, a proud member of the Government Front-Bench team, and perhaps Hartlepool Sixth Form college's finest. I am surprised that he can, in all conscience, defend this indefensible cacophony, this awful blurred picture, this Jackson Pollock, Heath Robinson, Iron Maiden, Black Sabbath, Shostakovich structure. Perhaps he thinks it is better than a system that is streamlined, sensitive and responsive to need, and a system that could and would be understood by both learners and employers. I certainly do not.

Stephen Williams: Madam Deputy Speaker, you and everyone else will be relieved that I do not have any musical, theatrical, cinematic, artistic or any other analogies to make in my short remarks.

I am pleased that the Minister is so delighted by the capital investment in Hartlepool sixth-form college—he may indeed be its finest product—but that delight will not be shared by many of his Labour, let alone Opposition, colleagues, who have seen FE and sixth-form colleges in their constituencies starved of the funds they expected to receive following their capital programme bids over the past 12 months.

My only concern about this group of amendments is essentially what the hon. Member for South Holland and The Deepings (Mr. Hayes) alluded to—how long is the arm's length between the Ministry, the Minister and the quango or non-department public body? The hon. Gentleman mentioned the soon-to-be-lamented Learning and Skills Council. Whenever things are going right in the sector, Ministers are keen to crow and take the credit, but when things go wrong, it is someone else's fault. For instance, when the capital programme went wrong, it was all the fault of the poor chief executive of the LSC, but the same could happen to the chief executive of the Qualifications and Curriculum Authority or any body.

I would like the same clarification as the hon. Gentleman. What is the nature of the relationship between the new chief executive of the YPLA, the Department for Children,

[Stephen Williams]

Schools and Families and the Department for Business, Innovation and Skills? How accountable is that individual and his or her successors to this House, directly through the Minister, or through other parts of the House, such as the Public Accounts Committee? In my first two and a half years as a Member of the House, like the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb), I was a member of the Education Committee, to which the head of Ofsted essentially reported. The head of Ofsted could be scrutinised directly by members of that Committee on how it was implementing policy—the Government were genuinely at arm's length. It would be good if the Minister could clarify how he sees the relationships to which I referred developing.

Mr. Iain Wright: I pay tribute to the hon. Member for South Holland and The Deepings (Mr. Hayes). It was a remarkable achievement to mention Jackson Pollock, Iron Maiden, Shostakovich, Black Sabbath and Monty Python in the space of about 30 seconds. I imagine that that feat is unequalled in the history of the House.

I was pleased with the hon. Gentleman's agreement to the amendments on clarifying the role of the YPLA and local authorities, the governance of sixth-form colleges and other matters. His comments and questions, and those of the hon. Member for Bristol, West (Stephen Williams), were essentially about the new architecture of the machinery of government and how the YPLA will rightly be accountable to this House.

The hon. Member for South Holland and The Deepings said that the system for funding should be dynamic and responsive. I agree, and that is what we are moving towards. At the moment, colleges have a variety of different funding streams. If they are entrepreneurial, they will be approaching businesses in their area and providing bespoke training courses. The proposed machinery of government changes will provide much greater clarity, and that has been a constant theme throughout the Bill's passage, here and in the other place.

Local authorities will be in the driving seat, commissioning services from birth until the age of 19. They will be responsible for strategic planning, for commissioning for 16 to 19-year-olds, for sub-regional and regional working, for financial assurance and audit, and for provider performance management. The YPLA will be responsible for providing the framework, development and maintenance; for funding and allocation on a national basis; for direct commissioning and procurement; and for enabling informed commissioning to take place. Local authorities will have a strategic role in their areas, because they know what is important for their local vision in economic and social terms, and they will be in the driving seat. There will be a clear demarcation between provision up to the age of 19 and then post-19, and the Bill will provide important clarity on that point.

Providers on the ground will see significant benefits in terms of better informed and integrated commissioning of services and through streamlined performance management and data arrangements. For post-19 learners, there will be one account management system, as opposed to the current nine or 10 systems, and an automated settlement system that will pay colleges and providers in line with the choices made by learners and employers. Learners' decisions will drive the system: money will flow from the learner, which will provide the dynamic and responsive system that the hon. Gentleman mentioned.

The hon. Gentleman also said that the YPLA should be accountable to the House. It will be. As I said before, I have taken legislation through the House on the appointment of other non-departmental public body chief executives—for example, the Homes and Communities Agency and the Tenants Services Authority—and this provision takes the same approach. NDPBs are accountable to the House—chief executives can be called to the relevant Select Committees and the Public Accounts Committee. The YPLA will be required to publish its annual report to the House each year and the Secretary of State will still be accountable in terms of debates and questions. The accountability line is clear and is consistent with other NDPBs.

Mr. Hayes: I am grateful to the Minister for his glowing tribute.

The point is that the legal personalities of the YPLA and SFA are very different. We were told at an earlier stage of consideration that a different model had been considered. Why did the Government come to the conclusion that those two organisations should have very different legal personalities, despite the relationship between them?

Mr. Wright: Certainly with regard to the YPLA and the national funding framework that will be introduced, we thought that it would be best to have an arm's length role so that Ministers would not be accused of interfering with specific funding allocations. That degree of impartiality is important. As I have said, the YPLA will have a clear line of accountability to the House through the Secretary of State, because its representatives can be called here by Select Committees and because of the annual report requirement—

Mr. Hayes *rose—*

Mr. Wright: I have obviously not satisfied the hon. Gentleman yet.

Mr. Hayes: The Minister always brings immense charm to these proceedings, but he has not answered the question. We were told earlier that a different model had been considered by the Government for the legal personality of the SFA and the YPLA, and the relationship between the two. Why was this model adopted in preference to that one? Can he give me a straight answer?

6.15 pm

Mr. Wright: I think that I have answered that question. The two organisations will serve two different constituencies, for want of a better phrase. The YPLA and the SFA will do different jobs and have different functions, so we thought that it was appropriate that they should have different funding models. It makes sense for the work to be done by two organisations. The structure provides a clear, coherent focus for young people on the one hand, and for employers and adults on the other.

Stephen Williams: We have just had the experience of the penultimate chief executive of the LSC resigning in response to the capital programme fiasco. Who will require the chief executive of the YPLA to resign if something goes wrong on his or her watch?

Mr. Wright: The chief executive will be accountable to the Secretary of State, so matters of delivery and performance management will be a matter for the YPLA board and the Secretary of State. Clear lines of accountability exist and, by the same token, the Secretary of State can also answer questions on that issue in the House. We think that it is right to make a distinction between the YPLA and the SFA because they provide two different approaches for two different customers. The clarity and responsiveness will be embedded in the system. On that basis, I hope that the House will agree with the Lords amendments.

Lords amendment 34 agreed to.

Lords amendments 35 to 42 agreed to.

Clause 47

PROVISION OF EDUCATION FOR PERSONS SUBJECT TO YOUTH DETENTION

The Minister for Schools and Learners (Mr. Vernon Coaker): I beg to move, That this House agrees with Lords amendment 43.

Madam Deputy Speaker: With this it will be convenient to take Lords amendments 44 to 55, 115, 170 and 174.

Mr. Coaker: It is a pleasure to contribute, even at this late stage, to what is an important Bill, and on these important amendments. The provisions in this Bill concerning the education and training of young people in juvenile custody are an important step forward. This Bill ends the disapplication of education law to this group of young people, something which has been called for by the UN Committee on the Rights of the Child. Furthermore, it paves the way for joining up education in juvenile custody with education in the mainstream, by giving commissioning responsibility to local authorities. This is an extremely important area, concerning the education of some of our most vulnerable young people. It is an area that many of my hon. Friends in this House, as well as colleagues in the other place, have expertise in and a passion for. It is right, therefore, that we have listened carefully during debates and amended the Bill where necessary to ensure that it delivers what we want for these young people.

The most significant change that we have made concerns literacy and numeracy assessments for offenders on their entry into youth custody in a young offender institution, a secure training centre or a secure children's home. These assessments will provide a vital mechanism for informing the learning young people receive in custody, and we are grateful to those in the other place who urged that this existing practice be reflected on the face of the Bill. Similarly, it is important that educational progress made while in custody should inform planning for the young person's resettlement. Amendment 49 places a clear duty on the host local authority to share information about the young person's education with the home authority to inform their education and training on the person's release.

Amendment 46 is a change to the new power in section 562A of the Education Act 1996 to clarify that the power cannot be used to disapply the other young offender provisions in the Bill. That was always our intention, and again we are happy to make it explicit. Amendment 115 clarifies that the chief executive's duties in respect of persons with learning difficulties extends specifically to people in adult detention, including those aged 18 or below. Amendments 43, 50 to 55, 170 and 174 are minor and technical drafting amendments.

The amendments deal with a most important part of the Bill. We would all agree that the discussion and debate that have taken place on this section of the Bill are extremely important. The Bill has been immeasurably improved. A consequence of that will be a better educational entitlement for some of the most vulnerable young people in our society.

Mr. Hayes: It is a pleasure to face the Minister across the Dispatch Box for, I think, the first time, although we are old friends from Nottinghamshire days. He always approaches these matters with diligence and insight. I have seen off the first two Ministers to speak in this debate—the first has left the Chamber and the second wishes that he never left Hartlepool. We shall see what the third Minister can do this evening.

We tabled an amendment to introduce a reading assessment for people when they enter and leave youth detention centres. The Minister is right that those are important matters. Bluntly, this was another important victory for Conservative and Liberal Democrat peers in the Lords who united in their determination to improve the Bill. Once again, that illustrates that the Bill has improved during its passage, as the Minister generously acknowledged. The Government have moved an amendment to include an assessment of literacy and numeracy skills, and that is the amendment that we are debating today. It will be a requirement that the information from the assessment be used to determine whether young people in custody get education or training.

That is important, of course, because of the link between poor education and recidivism, which is also linked to the inability of young people to gain employment when they leave custody. Lord De Mauley welcomed the Government's

> "intention to expand the requirement that the information from the assessments be used to help determine suitable"

subsequent provision. He agreed that

> "if a recent assessment is available, then a further assessment should not be required."

He also argued

> "it remains important to have an assessment in place for when the person leaves youth accommodation, as well as when he enters it."—[*Official Report, House of Lords*, 2 November 2009; Vol. 714, c. 73-74.]

Lord Ramsbotham, in the other place, said that the assessment should be made available to the home authority, which would facilitate a coherent approach to education, meaning that the progress made while in detention can be carried forward thereafter.

The Government's own assessment of their progress in respect of the education of people in detention suggests that a lack of consistency and coherence is not only a feature but a problem with much of what is done in attempting to train, educate and skill those in detention. We share that analysis, but we understand the difficulties, particularly in respect of young people who might not be in one place for long. Indeed, they might be moved around, might not be taught by one person for long and

[Mr. Hayes]

might move between courses. Trying to build greater consistency and coherence into the system that we employ to give people, while in detention, the necessary skills to do better later depends on a good analysis of their needs, and these amendments essentially focus on that process.

A key part of the Bill is to raise standards in youth offender institutions, helping to educate and skill young people in those institutions, so that they have a second chance and an incentive to turn towards a career away from crime and other deviant behaviour. Aspiration is vital in that respect. Ensuring that education matches an assessment is important in feeding aspiration. We are glad that the Government are finally on the same page as us on this matter. It would be less than generous, and certainly less than courteous, to quote Edmund Burke, who said that

> "the concessions of the weak are the concessions of fear".

I prefer, in this context, to assume that these are the concessions of a sinner who has learned to repent.

Annette Brooke (Mid-Dorset and North Poole) (LD): We, too, welcome the amendments greatly. The proportion of young people in custody with low standards in literacy and numeracy and—often—with speech impediments has long been known, so it makes sense finally to address the situation. I note the Minister's reference to the United Nations convention on the rights of the child, the 20th anniversary of which is coming up. It might have taken us a long time to get to this point, but I sincerely hope that we can now move rapidly on what should be enormously important changes.

There are two aspects to the assessments. We will be identifying young people who might have just missed schooling and others with specific educational needs, and both processes need a proper plan and checks on progress. We are all concerned about the enormously high rate of reoffending. I said in Committee that we have the right divide between the home authority and the host authority, but it is important to ensure that we have information sharing and full responsibility in respect of both authorities. The amendment passed on Third Reading will make a big contribution to that.

I note the firm commitments given by the Minister on Third Reading that the services of the Communication Trust will be brought into play. That is really important and is welcomed. In particular, it must be recognised that many of the young people will have some form of dyslexia, so the employment of specialist teachers was an important move forward.

We support the amendments, want to see action taken and sincerely hope that a big contribution is made to the lives of some vulnerable young people.

Mr. Coaker: With the leave of the House, I thank the hon. Members for South Holland and The Deepings (Mr. Hayes) and for Mid-Dorset and North Poole (Annette Brooke). As I was trying to say, none of us wants there to be difficulties in prison in educating young people. Admittedly, they are in prison because they have offended, but as everybody points out, one cannot help but be moved when visiting young offender institutions, secure training centres and secure children's homes by the fact that so many young people there have learning difficulties or low levels of numeracy and literacy.

Ofsted's 2007-08 annual report stated:

> "Nearly all children and young people enter institutions with levels of literacy and numeracy well below those found nationally for their ages. There has been an appropriate emphasis on improving basic skills and children make very good progress when opportunities for improving literacy and numeracy are linked to subjects across the curriculum. Most young people leave custody with some form of accreditation in these essential skills and, more generally, levels of accreditation are now at least satisfactory in most of the institutions inspected."

However, the fact that there will now be both a numeracy and literacy assessment of young people going into custody and the sharing of information on young people leaving custody and returning to their home authorities will make a considerable difference. We have worked with a large range of stakeholders, as the hon. Member for Mid-Dorset and North Poole said, and the proposals will be a tremendous step forward.

6.30 pm

I recently visited Feltham, Hassockfield in the north-east and Huntercombe, which is a young offenders institution near Henley. Notwithstanding the improvements that we are trying to make through the Bill, which have been generally welcomed, I want to put on record my tribute to the people who work in education in our young offenders institutions, secure training centres and secure children's homes. Whatever we say, it would be remiss of us not to point out that things are difficult and that there are challenges, irrespective of the changes that we are making. At the end of the day, we should also remark on the quality of those people and their determination to try to help the young people in such places.

Mr. Hayes: I would want to be associated with the Minister's remarks on behalf of the Opposition. The Bill deals with young people, but it is important that the lessons that we learn about such matters are consistently applied. How will the measures in the Bill dealing with young people be mirrored for other offenders? As the Minister knows, the analysis of how the Government are doing that I mentioned earlier suggests that some problems repeat themselves across young offenders institutions and prisons.

Mr. Coaker: Some of the provisions in the Bill dealing with the sharing of information on young offenders are about improving the information that is shared between somebody leaving custody and their returning to their home authority, because sometimes that sharing has not been of a standard that we would want. That will help those young people and perhaps tackle some of the repeat problems that we have seen.

To look briefly at the adult world, part of the problem is that many of the people in adult prison were previously in young offenders institutions. If we can deal with some of the literacy and numeracy issues that arise in youth custody, it will help to prevent reoffending and, I hope, prevent people from going into adult prison. We always look to improve what we do, whether in youth custody or the adult sector. Many additional measures have been taken to try to improve the quality and quantity not only of basic literacy and numeracy, but of the skills training available.

Annette Brooke: I concur with the Minister's previous comments, in which he congratulated staff, but I would also like to recognise the voluntary sector. When I visited Feltham, I was incredibly impressed with the volunteers working with the young people there.

Mr. Coaker: I am grateful for the remarks of the hon. Lady and the hon. Member for South Holland and The Deepings, and for their association with my thanks to those staff working in difficult situations. Literacy and numeracy assessments are also made of those entering adult prisons, so both sectors need to learn from each other.

Mr. Hayes: I was asking a slightly more technical question. In as much as the legislation establishes a set of protocols, assumptions and structures, can the Minister give us an assurance that they are consistent with legislation that deals with other areas of custody? We need to know that we are learning the lessons and that they are being applied consistently.

Mr. Coaker: Yes, they are consistent, which is why I said that an assessment is made of those entering adult prison. The fact that we are saying that we all want to ensure, in a Bill in 2009, that education is properly applied with respect to young offenders and that it complies with the UN convention on the rights of the child shows that progress is sometimes a bit slower than we would all want. We are taking a major step forward, with a major piece of reform that will improve the education entitlement of some of the most vulnerable young people in our society and our communities.

Lords amendment 43 agreed to.

Lords amendments 44 to 55 agreed to, with Commons privilege waived in respect of Lords amendment 48.

Before Clause 52

Mr. Iain Wright: I beg to move, That this House agrees with Lords amendment 56.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to consider Lords amendments 57 to 64, 175 and 176.

Mr. Wright: We have listened to the debate, both here and in the other place, and to the opinions of key stakeholders, and we have amended the Bill to give reassurance on some key areas of concern.

The original Bill as drafted contained new measures dealing with complaints in relation to the sixth-form transport duty. We introduced a new clause on Report in another place to replicate those complaints measures for adult learners aged 19 to 24 with learning difficulties and disabilities. It has always been our intention that the new complaints measures, designed to ensure improved responsiveness, should apply to young people with learning difficulties and disabilities. The new clause introduced by Lords amendment 56 ensures that that intention is clear in the Bill.

We have amended the Bill to introduce a power to issue statutory guidance to accompany the adult transport duty. The Bill already included a new guidance-making power to cover the new transport policy statement for learners aged 19 to 24 with learning difficulties and disabilities. Government amendments extended the scope of the guidance, so that it would cover the adult transport duty as well. That will support local authorities in carrying out their transport duties in respect of adult learners and ensure that they are absolutely clear about their responsibilities under the duty, including for those with learning difficulties and disabilities.

We brought forward Government amendments to link the adult transport duty in clause 55 and the new local authority commissioning duty in clause 40. Those links will ensure that local authorities do not carry out their transport duties without considering what they have to do under the commissioning duties, including with respect to the location of the education and training provision that is commissioned.

We have listened to the concerns of stakeholders and to hon. Members in this House and the other place, and we have tightened the Bill with this important group of amendments.

Mr. Hayes: I am grateful that the Minister has conceded that the Bill has been improved in this area too by consideration in Committee and in the other place.

Lords amendment 56 inserts a new clause, entitled "Provision of transport etc for persons of sixth form age: duty to have regard to section 15ZA duty", which says:

> "In section 509AB(3) of the Education Act 1996 (provision of transport etc for persons of sixth form age in England: matters to which LEAs must have regard)…insert…what they are required to do under section 15ZA(1) in relation to persons of sixth form age".

In other words, the Bill places a new duty on local education authorities to set out in a transport policy statement the arrangements that they will make for those learners aged 19 to 24 inclusive who may have a learning difficulty. The amendments will allow the Secretary of State to issue statutory guidance to cover not only the new transport policy statement for learners aged 19 to 24 with learning difficulties and disabilities, which is introduced in proposed new section 508G of the 1996 Act, but the wider adult transport duty to which the Minister referred.

The amendments are also intended to make a link between the local authority commissioning duty outlined in the Bill and the sixth-form and adult transport duties, so that local authorities do not consider their transport arrangements—particularly their arrangements for those aged 19 to 24 with learning difficulties and disabilities—in isolation from their new responsibilities for commissioning education and training provision. In essence, this is about linking transport to the rest of the provision, and that is critically important. When the Bill was first discussed in Committee here, we felt that that link had not been sufficiently well made, and we argued—here and in the Lords—that the Bill needed strengthening in that regard. We are happy that the Government have accepted the Lords amendments to ensure that students with disabilities have the same rights of complaint about transport issues as 16 to 18-year-olds. That is a practical and sensible change to the Bill. It is not a matter for partisan debate or a matter of contention, so I shall not detain the House any longer.

Stephen Williams: I have a couple of questions about the operation of the provisions in Lords amendment 64, which will give the young adult learners that the hon. Member for South Holland and The Deepings (Mr. Hayes) has just mentioned—as well as their parents and, presumably, carers—the right to complain. Will the Minister explain in what circumstances he or his successor would seek to intervene to direct a local authority to amend its transport provision? As I understand it, the amendment does not mention a mechanism by which the learner, or their parent or carer, can appeal if the local authority does not respond in a positive way to their concerns. How does the Minister envisage the amendment working in practice, if it is accepted?

Mr. Iain Wright: With the leave of the House, may I say that I am pleased with the tone of the responses from the hon. Members for South Holland and The Deepings (Mr. Hayes) and for Bristol, West (Stephen Williams)? The hon. Member for South Holland and The Deepings rightly said that he wanted to see the linking of transport with other provision, and we absolutely agree with him. That was always the intention, as I think he knows, but we just needed to make it explicit in the Bill.

The hon. Member for Bristol, West made an important point about complaints. We want to become more responsive to local complaints, in relation not only to transport duty but to a whole range of other local authority activities, in order to ensure that local authorities improve the services that they offer to the people they serve. We think that that is best achieved by going through a local process before going to the Secretary of State.

Clause 54 creates a new power for local authorities to amend their transport policy statements in-year, in response to complaints or direction by the Secretary of State, and to publish updated statements and a description of the change. However, we shall require complaints to go through a local complaints process first, before they can be considered further. During the passage of the Bill, we were lobbied by the Association of Colleges and by Skill, and we think that the amendments will help to address their concerns. The key point is to ensure that local authorities are accountable to the people they represent, and we believe that it is important for these complaints to go through a local process, so that the authority has an opportunity to respond to them and to react to any concerns. If the person concerned—either the person with learning difficulties or disabilities, or the person charged with their care—is not satisfied, however, the escalation process, which should be a common feature of all complaints procedures, will give them recourse to the Secretary of State. To give the hon. Member for Bristol, West a direct answer to his question, we do not want to dictate the point at which any escalation takes place; we want to give people the opportunity to resolve any problems locally, as that is the best way to ensure that services are better locally on the ground.

Mr. Hayes: I assume that what the Minister has just said will be set out in guidance. Will he make a commitment to the House on that? The point raised by the hon. Member for Bristol, West (Stephen Williams) clearly resonates, not least with the Minister himself. Also, what assessment has the Minister made of the impact of these measures on different kinds of local authority? I represent a rural constituency in a very rural county, and the impact of this legislation will be quite different there from the impact on an urban area. I am always very concerned for my constituents' welfare, particularly those who are most vulnerable. What assessment has he made of that impact, and what representations has he received on it?

Mr. Wright: The hon. Gentleman has raised two important points. I can certainly make a commitment that the Secretary of State will issue guidance on the complaints procedure and on the escalation of complaints to the Secretary of State. The hon. Gentleman also made an incredibly important point about different locations having different needs and transport requirements. The most obvious difference is that between rural and urban communities.

6.45 pm

With regard to the new 14-to-19 offer—including people with learning difficulties and disabilities—and particularly with regard to diplomas, which are sometimes not taught in a single place and might involve students going to different places and work-based providers, the collaborative approach that we are trying to achieve must be taken into account. The hon. Gentleman is making my point for me: local authorities are the best placed to ensure that their local circumstances are best served by their own strategic proposals and operational arrangements. In that way, local authorities in rural areas will know what the concerns are, and will be the best placed to deal with them locally on the ground. I hope that I have addressed the concerns that hon. Members have raised, and on that basis, I hope that they will support these important amendments.

Lords amendment 56 agreed to.

Lords amendments 57 to 71 agreed to.

Clause 75

ACADEMY ARRANGEMENTS

Mr. Coaker: I beg to move, That this House agrees with Lords amendment 72.

Mr. Deputy Speaker: With this it will be convenient to consider Lords amendment 73.

Lords amendment 178, and amendment (a) thereto.

Mr. Coaker: Although we are all in agreement that it is not sustainable for a Government Department to continue to support and fund an increasing number of academies, there has been some concern about placing this duty within the Young People's Learning Agency, which will carry out academies functions on behalf of the Secretary of State. We have heard what the House has said, and we have also been talking to sponsors. We will continue to consult sponsors and principals, as well as the Independent Academies Association, on the proposed arrangements through the academies reference group that will look at how this new way of working can be developed.

Asking the YPLA to exercise academy functions has benefits. The regional network of YPLA offices will allow much better awareness of the local context that the academy is working in. Also, it will guard against the fragmented system that could result if one of the key providers—academies—were working elsewhere, other than within the YPLA framework. Once the YPLA is up and running, we will issue a remit letter every year, after consultation with sponsors, principals and other interested parties, which will enable the YPLA to develop the way in which it works with academies. We have also tabled two amendments that will build in the safeguards that I hope will reassure hon. Members that the YPLA is the most appropriate organisation to carry out academies functions.

Government amendment 178 makes it clear that the Secretary of State will have a duty to ensure that the YPLA board reflects the sectors and young people it serves. It would not be appropriate for any one sector to dominate the board, as is being proposed by amendment (a). That includes local authorities as well as academies. However, we will ensure that members of the board will have direct experience of academies. There is already significant academy representation on the Learning and Skills Council committee that is working to establish the YPLA, and our amendment should send a clear signal of our intention to ensure that academy interests continue to be well represented. In addition, the recruitment of a director of academies, reporting to the chief executive of the YPLA, will further strengthen academy representation.

Government amendments 72 and 73 will prevent the YPLA from entering into a funding agreement to create an academy and from making subordinate legislation. Lords amendment 72 will also ensure that there is a procedure in place for academies, or others, to make a complaint to the Secretary of State if they are affected by the conduct of the YPLA.

Mr. Gibb: Does that mean that, before the Bill went to the other place, it was the Government's intention to allow the YPLA to enter into funding agreements with new academies?

Mr. Coaker: We are trying to make it clear in the Bill that the YPLA will not be able to enter into a funding agreement to create an academy. A further concern that was raised with us related to its ability to make subordinate legislation. We are making that absolutely clear in response to the points that were raised.

As I was saying, amendments 72 and 73 also ensure that a procedure is in place for academies or others to make a complaint to the Secretary of State if they are affected by the conduct of the YPLA. Academies will have a route of redress if they feel that the YPLA has acted unreasonably or against the principles of the remit letter.

With those brief opening comments, I urge the House to agree to Lords amendment 72.

Mr. Gibb: During the Bill's time in the other place, a number of amendments were tabled, as the Minister has explained, to the clauses relating to the YPLA, but none of them has answered our fundamental concern about its suitability to carry out academy arrangements—that is, for the YPLA to be used as the oversight body for academies. This is very important. The Government have amended clause 75 to make it clear that the academy functions being transferred to the YPLA do not include the body's ability to take the Secretary of State's place in signing a funding agreement with an academy or its ability to make or confirm subordinate legislation. That clarification is certainly welcome, but it does not address the central issue of the YPLA's suitability for this role; nor does it deal substantively with the very serious concerns of academy providers.

There is now a growing consensus that the Secretary of State does not understand or believe in the importance of academy autonomy. He professes to support academies when it is politically convenient to do so, but the policy detail belies those expressions of support. When he was an adviser at the Treasury, he used his influence to undermine reforms in the public services that promoted autonomy or choice, both in health and education. Since his appointment as Secretary of State, a clear trend in policy has become apparent. He has required more involvement by local authorities in the sponsorship, establishment and operation of academies. He has reduced their freedoms over the curriculum; their autonomy has been steadily eroded.

It is this very autonomy that is the crucial decisive principle behind the success of these schools and it is the reason why they are improving faster than other types of school, giving pupils from some of this country's most deprived areas an outstanding and rigorous education. This year, for example, 85 per cent. of the pupils at Mossbourne academy in Hackney—one of the most deprived parts of London, with half its pupils qualifying for free school meals and with 40 per cent. having English as a second language—gained five or more GSCEs at grades A* to C, including English and maths. Last week, Ofsted reported that the Harris city academy at Crystal Palace in south London was the first to receive a perfect Ofsted report under the new reporting regime. Before the school was taken over by Lord Harris in 1991, it managed to get just 10 per cent. of its pupils achieving five or more GCSEs at grades A* to C. As Lord Harris said:

> "When we took over this school no one wanted to come here. Yet in our first five years, we increased the number of GCSE pupils getting A to C grades from 10 per cent. to 54 per cent. Since then, we've gone on improving and that figure is now 99 per cent."

The school receives 2,000 applications for 180 places each year. That is what academies can achieve, yet it is an approach that appears not to have gained the genuine support of this current Administration.

Academies do not need to wait for authorisation before attempting an innovation. They are free to focus on their core work—the education of pupils—without being distracted by a welter of Government advice and guidance. They place teachers firmly in control of the school, and the freedoms, the ethos of transformation and the high aspirations they create are the reasons for academies' success. That is why it is so important that those freedoms are not undermined.

The frustration and anxiety of academy providers over the Government's direction of travel was accurately summarised in a letter to the then Minister on 23 February from Mike Butler, chairman of the Independent Academies Association. He wrote:

> "It appears that with every consultation, each missive and even new legislation from the DSCF there comes further erosion of the independent status of academies."

Mr. Coaker: I just want to be clear about the hon. Gentleman's high praise for academies, much of which I share. Is the hon. Gentleman's message to Conservative local authorities that they should work with the Government to have academies in all situations in their authorities? It would be extremely helpful to me to know if that was his advice to those authorities, so that I could speak to one or two of them about the provision of academies in their areas where there have been problems of negotiation.

Mr. Gibb: Our advice goes way beyond local authorities; it goes to livery companies, parent groups, co-operative teachers, educational foundations and Church groups that want to set up a school. If there is a Conservative Government after the next election, we will make it much easier for any of those groups to set up schools in any area they choose—regardless of the attitude of the local authority.

Mr. Coaker: I do not doubt the hon. Gentleman's commitment to academies, or his commitment to them if he were fortunate enough to take my position. My question, however, was about his advice—precisely what he is saying—to Conservative local authorities up and down the country regarding the Government's academy programme. Is his advice and message to them that they should co-operate with the Government in order to establish academies in their areas? In one or two cases, I am not sure that that is totally clear. It would be very helpful to me if he would make his position clear—that his advice to Conservative authorities across the country is to work with the Government to establish the academies—because whatever they think, that is the best solution for them.

Mr. Gibb: I am quite sure that all local authorities in this country, whether they be Conservative authorities or not, work closely with the Government, but the thrust of Conservative policy on this issue is very clear to all local authorities. It is that the impetus for creating a new academy will come from those groups that I have identified. That is where the impetus will come from, and a Conservative Government will make it much easier for those groups to establish academies, particularly in the areas of greatest need.

Whenever I have had discussions with academy providers, the same issue has arisen again and again, as the autonomy of the academies programme is being undermined. There is a strong sense that although the Secretary of State may pay lip service to the movement and has a Minister of State who is clearly passionate about academies, the Secretary of State himself does not fully embrace the principle that professional freedom brings higher standards and better schools.

The Bill unquestionably continues that trend by transferring academy arrangements to the YPLA. The Minister is going to give a quango, whose primary responsibility is the funding of 16-to-19 education, a position of authority over academies. We have consistently argued that this is inappropriate because it will transfer management of these schools to a body whose primary responsibility lies in a largely unrelated area. As my noble Friend Baroness Verma said in the other place:

> "A body that ties academies into local authorities and which deals specifically with education for people between 16 and 19 is not appropriate. First, academies thrive on their independence and freedom from local authorities. Secondly, the age range of academies is most commonly 11 to 18, and some even have primary schools attached."—[*Official Report, House of Lords,* 2 November 2009; Vol. 714, c. 53.]

Why should we assume that an organisation designed to provide funding for 16-to-19 education will be an effective supervisor of academies that educate children from the age of 11 or even three? The issues at stake and the expertise required will be very different. The autonomy of academies is essential to their success, which means that any oversight function needs to be arranged so that this principle is not threatened. Why, therefore, has this function been given to a body that has not been specifically designed to discharge it?

There is a very real danger that the YPLA will interfere in the work of academies, particularly if members and component local authorities are ideologically opposed to the academies movement. In my experience, that tends to be Labour, not Conservative, local authorities, as intimated by the Minister. That is why we and many academy providers have consistently argued that the YPLA should not be able to enter into academy arrangements. Dr. Daniel Moynihan of the Harris Federation said in evidence to the Bill Committee in March:

> "We want to be fully accountable and fully in the daylight for our performance, and for that we need to be responsible for decisions about services and how they are used, and not have them forced on us."

In response to a question about moving academies back to local authority control, Dr. Moynihan said:

> "My answer would be that local authorities have called in academy sponsors because the various mechanisms that they have deployed in the past to improve the schools that they offer us as academies have not worked... It does not make sense to return those schools to local authorities."—[*Official Report, Apprenticeships, Skills, Children and Learning Public Bill Committee,* 3 March 2009; c. 48, Q126.]

7 pm

Dr. Moynihan's major concern relates to the attitude that the YPLA would take to academies establishing sixth forms, and whether it would try to prevent them from doing so because of the competition that that might create with established sixth forms. As he said:

> "In one local authority, we were told... that we could not open sixth forms in two of our academies. It was a particularly poor part of London in terms of the staying-on rate, and the reason why we were told that was that it did not fit with the plan. Four years later we have 400 sixth-formers and an outstanding sixth form, but nothing else has changed in the area. As in that case, we would want to be sure that we had a right of appeal to the Secretary of State, and that it was clear that we could not necessarily be blocked by whatever the local plan was if it was not an entirely sensible and objective one.
>
> We have experienced difficulties on other occasions when local authorities have not wanted an academy to open for political reasons and in order to protect underperforming local provision."

The response from the Minister in another place, Lady Morgan, was sympathetically expressed but ultimately unhelpful.

Mr. Coaker: I know the hon. Gentleman will agree that Dr. Moynihan is a fantastic advocate of academies and has done a tremendous job. Let me, however, quote from the same session from which the hon. Gentleman quoted. Dr. Moynihan said:

> "we support the establishment of the agency. It makes sense for the Department to have an agency to take care of academies. Clearly the Department was never meant to be a local authority,

> so we are perfectly happy with that and we think it will work well."—[*Official Report, Apprenticeships, Skills, Children and Learning Public Bill Committee*, 3 March 2009; c. 43-48, Q107.]

Mr. Gibb: Dr. Moynihan was saying that he was in favour of an agency, but not this agency. He does not want the YPLA to be the body overseeing the academies movement.

Mr. Laws: Can the hon. Gentleman clarify whether that latter aspiration is the policy of the Conservative party—which, essentially, would mean displacing the existing YPLA with something purely academies-based—or whether he envisages the powers returning to the Department, as has been the case?

Mr. Gibb: When we debated the issue in Committee, I tabled an amendment to enable a different organisation to be established to run the academies. The question is whether the academies should be run from within the Department or whether they should be overseen by a stand-alone non-departmental public body. There are arguments on both sides. We are considering them, and the hon. Gentleman will be the first to know what we decide.

In another place, Lady Morgan said:

> "we cannot accept a situation where academy sixth forms are funded automatically".

She went on to say:

> "However, academies often are the best providers. Those academies have nothing to fear. Local authorities cannot and will not just ignore that. If local authorities acted unreasonably in their commissioning role—refusing to fund high-quality provision may well count as unreasonable—they could face judicial review".—[*Official Report, House of Lords*, 2 November 2009; Vol. 714, c. 58.]

Administration by judicial review is the not the way to proceed. The very real concerns expressed by Dr. Moynihan, which are shared by the rest of the academies movement, have not been properly addressed by Ministers. Indeed, none of the changes made in the other place that we are debating today has expressed those concerns in any substantive way. That is why we tabled an amendment to Lords amendment 124 which would insert a requirement that a majority of ordinary members of the YPLA must be currently serving principals of an academy, thus ensuring that the YPLA will take into account the needs of academies and will have an understanding of the approach that makes the movement so successful. The minority members will be able to deal with the other duties and responsibilities of the YPLA—

Mr. Deputy Speaker: Order. Let me point out for the sake of clarification that if the hon. Gentleman is referring to amendment (a) to Lords amendment 124, it is in the next group of Lords amendments.

Mr. Gibb: You are quite right, Mr. Deputy Speaker. I mean the amendment to Lords amendment 178. It does what I have just described, however.

The minority members of the YPLA could then deal with the YPLA's responsibilities. At least our amendment would enable us to be sure that this body would understand the issues facing academies, and would be sympathetic to them. It is not a matter of one sector dominating the YPLA; it is a matter of trying to undo the mess that the Government have created by transferring all the academies in the country to a body that is unsuitable to be the oversight body.

Mr. Laws: We have had an interesting debate, and more light has been shed on the Conservatives' position on academies. I shall return to that shortly, but let me begin by welcoming the more straightforward amendments: Lords amendments 72, 73 and 178. I think that some of my colleagues in another place contributed to them.

Lords amendment 72 touches on an issue that we raised in Committee. It would introduce a measure preventing the Secretary of State from making arrangements under which the YPLA can sign funding agreements or make subordinate legislation on behalf of the Secretary of State. The Minister was slightly ambiguous earlier in regard to whether the Government had had a change of heart during the Bill's passage through the House of Commons. I had thought that it was previously the position of Ministers that they had never intended the YPLA to have these powers. The amendment simply seeks to include in the Bill the assurances made during the House of Commons Committee stage, but it would be useful to hear clarification from the Minister in a moment.

We obviously welcome the measure in any event. We also welcome Lords amendment 178, which would ensure that the experience that YPLA members have covers the full range of the responsibilities that the YPLA will have to cover. That seems an entirely sensible proposal.

Mr. Coaker: I am sorry if I was ambiguous; I did not mean to be. We did not ever intend the YPLA to have that function with regard to the funding agreements. What the amendment does is make the position explicit in the Bill. I never try to be ambiguous.

Mr. Laws: I am grateful to the Minister for correcting any ambiguity so swiftly. We are reassured by his comments.

Let me turn to the most important part of the debate, and deal with amendment (a) to Lords amendment 178. The hon. Member for Bognor Regis and Littlehampton (Mr. Gibb) is always extremely candid in this place—perhaps more candid than is always good for politicians—and he responded with typical candour when I asked whether this was Conservative party policy by acknowledging that it might or might not be.

Mr. Coaker: Ambiguous.

Mr. Laws: It was indeed another ambiguity. I wonder whether the hon. Gentleman was making a point rather than a serious proposal, although his response a moment ago suggests that there may be a serious proposal behind it.

I understand that the previous position of the Conservative party was that it wanted academies to continue to be under the oversight of Westminster and the Minister. We do not believe that that is sustainable. It might have been sustainable with one Minister who was very engaged in the programme when the Government were running 20 or 30 academies, but it is surely not sustainable when there are 100, 200, 300 or 400, and it certainly will not be sustainable if the vision for the education system set out by the hon. Member for Surrey Heath (Michael Gove) in his speech on 5 November

[Mr. Laws]

comes to fruition. He made it very clear that the Conservative party's long-term goal was for academy status to become the norm not just for secondary schools but—I assume from the thrust of his comments—for primary schools as well.

If the Conservative party, or Members of Parliament in general, really think that the Department would be capable of holding to account 3,500 secondary schools and 23,500 primary and secondary schools from Westminster, it and we will be making a grave mistake. I do not see how that could possibly be consistent with many of the criticisms made by the Conservative party of big government and the system of running everything from Westminster and Whitehall. I would also say gently to the hon. Gentleman that if he is concerned with political interference in the academies movement, there could not be a better guarantee of uncertainty in that regard than putting the Secretary of State and the Department in charge of the oversight of academies. That is because whenever there is a Minister or Secretary of State who is unenthusiastic about academies, they might easily and rapidly implement changes to undermine the academy movement. Therefore, those who support academies might want some elements of their oversight or freedoms to be at a greater distance from Secretaries of State. I would have thought that this might be a concern that the hon. Gentleman would have in respect of the current Government. It does not appear to me to be at all obvious that we should stick with the existing system, and it appears fairly obvious that we should move towards a different approach.

The hon. Gentleman seems to be suggesting this in amendment (a). I assume the amendment is not a serious proposal, but that it has been tabled to make a point. If implemented, however, it would either make the YPLA entirely responsible for the oversight of academies or lead to the appointment of so many principals to it that the YPLA would become obsessed by academies and would pay little regard to many of its other responsibilities. It would therefore effectively end up being a regulator of academies.

Because we do not think that that is a satisfactory approach, my party has not been able to support the Government or the Conservative party on this matter. Such an approach could leave some parts of the country with regional branches of the YPLA that have oversight of a tiny number of academies and that would duplicate the oversight that is already supposed to be in place from local authorities. From my understanding of what happened in Committee, it would also leave us with a deeply unsatisfactory situation in which the Government essentially set up a YPLA to take on the oversight of academies because they do not trust local authorities with the oversight and performance management of schools, and particularly of those schools with high levels of disadvantage and poor levels of overall performance. It seems to me pretty astonishing that the Government might put in place a system of oversight for these schools that suggests that they have no confidence in the other mechanisms that are used for the oversight of the vast majority of schools in this country.

If there are problems with local authority oversight of either academies or existing schools, it seems more appropriate to deal with and address the deficiencies in that oversight than to seek to set up a separate organisation such as the YPLA to do the job or perhaps to end up—this could be Conservative party policy, depending on which branch line it takes in its current review—with the oversight of 23,500 schools from one ministerial office in Westminster.

Many of the concerns about academy oversight and independence—which I think are shared by all three Front-Bench teams—could be met by addressing three separate issues. First, the freedoms of academies need to be protected, and could be effectively protected by legislation. Secondly, there should be support for the establishment of academies where it may not be sufficient to rely on local authorities providing that support if they feel those schools are competing with the existing local authority family of schools. Authority for that could rest with either the Department or a much smaller agency of the type that the hon. Member for Bognor Regis and Littlehampton suggested. In our view, that ought to leave the oversight of academies and all other state-funded schools with local authorities, and they themselves should be under very rigorous oversight from an independent educational standards authority of a type that, frankly, we do not have at the moment. That lets down not only those schools that could come under the oversight of local government, but the thousands of other schools that have to rely on a performance management mechanism, which the Government seem to feel is so defective that they are having to set up a separate body to do this for the academies.

We therefore believe that amendments 178, 72 and 73 offer some welcome tweaks from another place, but we believe that the fundamental issue of the oversight of academies has not been dealt with. We certainly do not believe that the right way to go forward is through amendment (a), which seems more of a probing amendment than a serious proposal.

7.15 pm

Mr. Coaker: Our brief discussion on this group of amendments has been useful and interesting. Let me repeat and put on record that academies are an essential part of the Government's educational reform programme. They play a significant role in the improvement of educational standards in many of the poorest areas of our country and they have been, in most part, very successful. The fact that we now have 200 academies across the country with a commitment to extending that to 400 academies by 2011 is an extremely important statement of what the Government are seeking to achieve.

I regularly meet academies and speak to the sponsors. I, along with the Secretary of State and other members of the DCSF ministerial team, do all we can to expand and develop the programme. I referred the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb) to the argument about the need for academies to be developed more quickly as though they are the answer in every situation, because one or two Conservative authorities across the country—or perhaps more—are not following the policy that he has just articulated. If it is, indeed, Conservative party policy that every school should be an academy and that they should be the answer to educational deprivation and underachievement all across the country, he needs to speak to one or two local authorities and tell them that. I have to tell him that in one or two cases where we are seeking to provide an academy solution to a problem, it is not Labour authorities, the DCSF or me or my right hon. Friend the Secretary of State who are preventing that from happening; it is one or two people from his own party.

Mr. Gibb: My experience of speaking to academy providers is that the problems they have faced over the past five or 10 years have come mostly from Labour authorities.

Mr. Coaker: The point I am making is that we want academies to be the solution where that is appropriate, and we need to overcome any obstacles to that. The only point I am making to the hon. Gentleman is that it is not just Labour authorities that are sometimes standing in the way of the academy solution. The Secretary of State has been very clear that academies are an important solution to the problems of educational underachievement. They are an important solution to some of the problems we have seen when social deprivation and educational achievement remain linked despite the efforts that have been made, but they are not the only solution. That is the difference between us. The Conservatives see academies as a solution in every single situation—in every single secondary school and every single primary school—whereas we say that there may well be other solutions, including the national challenge trust. Locally, an academy might not be the best means of improving educational standards in an area, but we will pursue an academy solution if we believe that it is appropriate.

The hon. Member for Yeovil (Mr. Laws) mentioned local authorities. We might go to the local authority and ask it to come to agreements about educational transformation in its area and develop a strategy for change, perhaps using Building Schools for the Future money. It is up to the local authority to determine how to do that. The difference between us and the other parties is that we want local authorities to come forward and tell us what the solution is—and that may well be an academy, or it may well be a national challenge trust or another sort of federation. We will not tolerate, however, local authorities who will not come forward to grasp difficult issues, but we will work closely with local authorities on the school reform programme.

We have introduced the YPLA simply because, as the hon. Member for Yeovil said, it simply is not sustainable for the Department to run academies from the centre and to become, in essence, a national local authority for hundreds and hundreds of them. If there were only a few academies, such an arrangement might be appropriate, but as we expect to have 400 of them in a couple of years' time, it simply is not in this case. Indeed, the hon. Member for Bognor Regis and Littlehampton has said:

> "There is a general consensus that the administration and oversight of academies should, because of the growing number of academies, be performed by some form of agency acting for the Secretary of State".—[*Official Report, Apprenticeships, Skills, Children and Learning Public Bill Committee,* 19 March 2009; c. 427.]

He may not accept the YPLA, but he accepts that some form of agency, aside from the central DCSF, would be the appropriate body and that suggests that he accepts the need for another body to help run the academy programme, rather than to have the whole programme run centrally.

Mr. Laws: I agree that we cannot run hundreds or thousands of academies from Whitehall or Westminster. Has the Minister any objection to local authorities performance-managing academies?

Mr. Coaker: In our discussions, local authorities constantly talk to us about the performance of schools in their areas. As the hon. Gentleman will know, we have said just recently that what he suggests is not acceptable for the academies in the national challenge or for the one or two that are in an Ofsted category. However, we will work closely with them and with local authorities to do all we can to ensure that academies are held to the same stringent account for performance as other schools.

Mr. Laws: Why can that performance management not be done by a local authority? Why does it need to be done by a separate agency?

Mr. Coaker: Performance management, ultimately, will be done by Ofsted; it will draw problems to the attention of local authorities, Ministers or the sponsors. Indeed, some academies welcome Ofsted and conduct Ofsted-type inspections of themselves to see how they are performing, and how their improvement programmes and strategies are working.

We have said that the YPLA will provide better value for money and that a dedicated agency would help to save nearly £1 million. The existing regional infrastructure will allow quicker, more focused support resulting from better knowledge of the local context and more regular contact. Academy funding functions fit in with the YPLA's main remit: the funding of education and training places for 16 to 19-year-olds. We are working and will continue to work with academies to make sure that they are supported in ways that work best for them.

We have built in safeguards. The Secretary of State will remain legally responsible for all the academies' functions, including negotiating and signing the funding agreements, as I have said. The Secretary of State will be directly involved in key decisions, such as terminating a funding agreement or appointing new members to the governing body. Academies will have the same legal remedies available to them as now if they are unhappy with how they are treated. There will not be a loss of academy autonomy. The YPLA will not have the power to impose new duties on academies and it will be required to exercise its academy functions in accordance with arrangements and guidance set out by the Secretary of State's key principles.

I do not see that the amendment tabled by the hon. Member for Bognor Regis and Littlehampton is appropriate or necessary. We have said that the YPLA board should represent all the responsibilities that the YPLA has, so we would expect significant—not "majority", as his amendment proposes—academy representation. Also on that body would be sixth-form colleges, local authorities and further education colleges. We have set up an academy reference group, and we regularly meet academies and academy hosts. We have a director of academies who will now work within the YPLA, so we are trying to address what the amendment is getting at: the need to ensure that the YPLA, important as its work will be, does not have an adverse impact on the autonomy of academies, does not slow down the real progress that academies are making in tackling educational underachievement and does what we want.

[Mr. Coaker]

In opposing the hon. Gentleman's amendment, but in supporting the Lords in their amendments, may I say that academies are and will remain a fundamental part of our educational reform programme? We believe that their autonomy within a collaborative framework is important, and that importance is shown, as he pointed out, by the excellent results being achieved in many of those academies in areas where that excellence simply did not exist before—all of us, whatever the type of school we wish to see introduced, want to see that. This evening's debate, as well as the one that has taken place alongside this Bill, will help all of us to bring about the educational transformation that we all wish to see.

Lords amendment 72 agreed to.

Lords amendments 73 to 117 agreed to, with Commons privileges waived in respect of Lords amendments 87, 91 and 105.

Clause 126

General Duties

Mr. Iain Wright: I beg to move, That this House agrees with Lords amendment 118.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: Lords amendments 119 to 123.

Lords amendment 124, and amendment (a) thereto.

Lords amendments 125 to 133, 159, 162, 164, 187 to 198.

Mr. Wright: The establishment of an independent regulator for qualifications and assessments is an important part of this Bill, and I think that there is a strong and welcome consensus behind the establishment of Ofqual. We are all sick and tired of clichéd, lazy and untrue accusations of the dumbing down of standards in exams. By making Ofqual truly independent from the Executive—it will report directly to Parliament, not Ministers—this reform provides the opportunity to ensure that qualifications standards are maintained, and that the public can have well-founded confidence in those standards.

A large number of amendments have been tabled in response to concerns raised in this House and in the other place regarding Ofqual. With your permission, Mr. Deputy Speaker, I should like to group my speech around four main themes: the governance of Ofqual; the powers that the regulator has and, within that, the crucial relationship between Ofqual and the Secretary of State; Ofqual's reporting requirements; and minor and technical amendments.

It is, of course, of paramount importance that Ofqual is, and is clearly seen to be, independent, and its governance arrangements are crucial to establishing that independence. We listened carefully to concerns raised in both Houses and were grateful for the support for the amendments that we tabled in another place. Lords amendments 188, 192 and 193 amend schedule 9, so that the power to appoint and dismiss Ofqual's deputy chair lies with Ofqual, rather than the Secretary of State. We agreed that there should be a duty on the Secretary of State to consult the chief regulator before appointing or dismissing members of Ofqual, and Lords amendments 190 and 194 allow that to happen. The provisions also allow for circumstances in which it is not practicable to consult the chief regulator or their deputy. The Secretary of State can appoint or dismiss before consulting only in exceptional circumstances—where it is considered necessary to do so.

Under clause 126(6) the Secretary of State can require Ofqual to have regard to specified aspects of Government policy. It is important to stress that Ministers cannot use that power to force Ofqual to do anything; it is only a requirement for Ofqual to "have regard", but the regulator must at least consider the policy in question. Again, we listened to the concerns of those in another place and we tabled an amendment—Lords amendment 118—requiring the Secretary of State to publish any such direction given to Ofqual, in the name of transparency. These amendments all help to reinforce Ofqual's independence of governance, and ensure the transparency of its relationships with Government.

We need a regulator that can protect standards and ensure that qualifications provide value for money. It is therefore important that Ofqual has the ability to cap fees and to withdraw recognition, for example. Those powers are absolutely essential if Ofqual is to be the robust and effective regulator to which we are all committed to having. They enable it to deliver its efficiency and standards objectives. However, we have recognised and appreciated concerns about the extent of the powers and whether there is sufficient accountability over their use, and we have tabled amendments to increase the safeguards around their use.

I turn to amendments 119 to 121, and in particular the capping of fees charged by an awarding body for a qualification. The amendments do two things. First, Ofqual may now impose a fee-capping condition only if it is necessary to do so to ensure value for money. Secondly, any reviews of fee-capping decisions must now be the responsibility of someone independent of Ofqual with relevant skills. In the interests of transparency, we have also placed a new duty on the Secretary of State through amendment 121 to publish any fee-capping guidance given to Ofqual, paralleling the requirement to publish any directions on Government policy that I mentioned earlier. We are similarly proposing to amend clause 146 through Lords amendment 127, so that any reviews of a decision to withdraw recognition must be carried out by someone independent of Ofqual.

The power of the Secretary of State to determine the minimum requirements of qualifications is important: it reflects the fact that Ministers—not Ofqual—are accountable for the curriculum, even though the curriculum is often, in part, specified through Ofqual's qualifications criteria. Ministers have a perfectly legitimate interest in the content of qualifications and are accountable to Parliament in doing so.

7.30 pm

In the light of concerns expressed here and in another place that the power might appear to damage the independence of Ofqual, and the perception of that independence, we have proposed amendments to introduce extra safeguards for its use. Clause 138, which hon. Members will recall with affection, is therefore replaced with four new clauses. It remains the case that minimum requirements can relate only to the minimum knowledge, skills or understanding required to pass the qualification, but these amendments introduce two further requirements.

First, amendment 122 states that minimum requirements must relate to a qualification that will be or will probably be used by young people studying in publicly funded institutions. Secondly, it would have to be necessary to specify minimum requirements to ensure that the curriculum is appropriate for those of an age likely to be taking the qualification. The House will therefore recognise that that narrows the types of qualifications that are potentially in scope. There is now only one reason why the Secretary of State could intervene: if there is a gap in the curriculum that Ofqual needs to fill through its qualifications criteria.

In addition, we have two new process hurdles to jump before specifying minimum requirements. Amendment 123 inserts a new clause that states that the Secretary of State will have to consult, including consulting Ofqual, and to publish a document explaining his thinking. Amendments 159, 162 and 164 insert clauses on the minimum requirements, which must be set out in an order subject to an affirmative resolution in both Houses.

Finally, we have created one further and absolutely fundamental safeguard. Amendment 124 inserts a new clause to the effect that Ofqual would not be bound to implement the minimum requirements if doing so would mean that the level of attainment indicated by the qualification would not be consistent with that of comparable qualifications. In effect, that provides a standards veto for Ofqual.

That leads me to the Opposition's disagreeing with amendment 124 and their amendment (a) thereto. Amendment (a) would water down the standards veto by allowing Ministers to alter the standards of qualifications through specifying minimum requirements. The Government disagree strongly with that proposal for three reasons. First, it would undermine the fundamental principle, on which I believe there was strong consensus, that Ofqual should be directly accountable to Parliament for maintaining qualifications standards. If Ministers could meddle in such a way, Ofqual's independence—and certainly its credibility—would be shot.

Secondly, the Opposition's proposal implies that changing the qualifications standard from year to year is somehow acceptable. It is not. That could mean that last year's students would have an easier ride than this year's. It could mean that employers or universities comparing students with qualifications from different years, or qualifications in different subjects, would not know who was the strongest. Qualifications rely on understanding and transparency and that change would bring confusion and therefore unfairness to students.

Let me use an analogy from the world of athletics. We all want to be Usain Bolt—from listening to the hon. Member for South Holland and The Deepings (Mr. Hayes), one would think that he wants to be Ozzy Osbourne, Jackson Pollock or perhaps John Cleese, but let us talk about athletics—and let us suppose that we were measuring performance over 100 metres. Ministers could decide that they wanted to encourage students to run faster, and could put in place policy initiatives to help that objective happen—things such as better facilities, more nutritious food or improved equipment. Alternatively, Ministers could decide that they wanted to measure performance over 200 metres instead, but should they be able to force the regulator to redefine a metre as 105 centimetres? I do not think so, but that is what the Opposition's proposal seeks to allow.

Thirdly, the change is unnecessary. If a particular qualification had fallen out of line with other qualifications—as we saw with GCSE science earlier this year—it would be a regulatory responsibility to bring it back into line, which is what Ofqual is now doing with science. Ministers would not need to intervene. If Ministers decided they wanted different minimum content in a qualification, they could require that. The provision on minimum requirements establishes clearly in the Bill that it is Ministers who determine that aspect of content, and once Ministers have determined minimum content, it is for Ofqual to make sure that the qualification is assessed or graded in a way that maintains the standard.

Technology or the needs of society and the economy might change the curriculum, and the qualifications that assess that curriculum would need to change in a way that could impact on the standard. It would need to be down to Ofqual, as the guardian of the standard, to make sure that change could be made fairly and transparently, while respecting the interests of learners. It should not be something that Ministers could force through. The proposal would undercut the principles of Ofqual's independence. With the greatest of respect to those on the Opposition Front Bench, the proposal is poorly thought through and I urge the House to reject it.

We agreed in Committee that we would ask Ofqual to review the allocation of values to qualifications for the purposes of measuring performance in achievement and attainment tables. Following debate in another place, we concluded that we should go further and introduced amendment 128, which places a duty on Ofqual to review any system for allocating values to qualifications for such purposes.

Let me turn to Ofqual's reporting requirements. We have also made clear through amendments some specific aspects of the activities that Ofqual must include in its annual report. Amendment 130 modifies clause 164 to ensure that Ofqual must provide an assessment of the extent to which it has met its objectives. Secondly, it must provide details of information it has obtained on levels of attainment in school qualifications. Ofqual will also have to explain how it has taken this information into account when assessing how far it has met its qualification standards objectives.

Finally, we tabled four amendments in Committee to address a technical drafting problem with the paragraphs in schedule 12, amending the supplementary provisions that specify the arrangements for statutory assessments.

In summary, the amendments improve further the provisions establishing Ofqual in terms of its governance, its independence from the Secretary of State and its reporting to this House and to the other place. I urge the House to agree to Lords amendment 118 and to dismiss the Opposition's amendment if it is pressed to a vote.

Mr. Gibb: I want to test the House's opinion on amendment (a).

Mr. Deputy Speaker: Order. I must dispose of the other amendments first.

Lords amendment 118 agreed to.

Lords amendments 119 to 123 agreed to, with Commons privileges waived in respect of Lords amendment 119.

Before Clause 138

Amendment (a) proposed to Lords amendment 124.—(Mr. Gibb.)

Question put, That the amendment be made.

The House divided: Ayes 131, Noes 272.

Division No. 247] **[7.39 pm**

AYES

Ainsworth, Mr. Peter
Amess, Mr. David
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brazier, Mr. Julian
Brokenshire, James
Brooke, Annette
Browning, Angela
Burns, Mr. Simon
Burt, Alistair
Butterfill, Sir John
Campbell, Mr. Gregory
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Djanogly, Mr. Jonathan
Donaldson, rh Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Duncan, Alan
Dunne, Mr. Philip
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodwill, Mr. Robert
Gray, Mr. James
Greening, Justine
Greenway, Mr. John
Hague, rh Mr. William
Hands, Mr. Greg
Harper, Mr. Mark
Harvey, Nick
Hayes, Mr. John
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Howell, John
Hughes, Simon
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lamb, Norman
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Lidington, Mr. David
Lilley, rh Mr. Peter
Main, Anne
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Ottaway, Richard
Penrose, John
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Robathan, Mr. Andrew
Robertson, Hugh
Rosindell, Andrew
Russell, Bob
Scott, Mr. Lee
Selous, Andrew
Simmonds, Mark
Simpson, Mr. Keith
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swinson, Jo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Dr. Richard
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walter, Mr. Robert
Waterson, Mr. Nigel
Whittingdale, Mr. John
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Yeo, Mr. Tim

Tellers for the Ayes:
Bill Wiggin and
Helen Jones

NOES

Abbott, Ms Diane
Ainger, Nick
Allen, Mr. Graham
Anderson, Mr. David
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Bryant, Chris
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Caborn, rh Mr. Richard
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Doran, Mr. Frank
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai
Healey, rh John
Hendrick, Mr. Mark

Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McFadden, rh Mr. Pat
McFall, rh John
McIsaac, Shona
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wood, Mike
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Helen Jones and
Mr. Dave Watts

Question accordingly negatived.

7.53 pm

More than three hours having elapsed since the commencement of proceedings on consideration of Lords amendments, the proceedings were interrupted (Programme Order, this day).

The Deputy Speaker put forthwith the Question necessary for the disposal of the business to be concluded at that time (Standing Order No.83F).

Lords amendments 124 to 201 agreed to, with Commons privileges waived in respect of Lords amendment 177.

Anne Main (St. Albans) (Con): On a point of order, Mr. Deputy Speaker. I wonder whether you could assist me. I am sure that the House is fully aware of the absolute chaos on First Capital Connect train services, which are deteriorating enormously. It was a great shock when I was told this evening that, as of this evening, the timetable will reduce to a 50 per cent. permanent timetable, as there are not enough staff to man the trains. Will the Secretary of State for Transport come to the House and address it on that crucial commuter service?

Mr. Deputy Speaker: The hon. Lady understands that that is not strictly a point of order for the occupant of the Chair, who cannot determine at the drop of a hat whether a Minister proposes to make any announcement to the House. It may still be open to the hon. Lady to make a request to Mr. Speaker to find out whether there is some way that the matter may be raised during tomorrow's proceedings.

PETITIONS

Equitable Life (West Chelmsford)

7.54 pm

Mr. Simon Burns (West Chelmsford) (Con): I wish to present a petition to the House on behalf of Mr. Dudley St. John Holmes and a number of other constituents of mine. It relates to the residents of the constituency of West Chelmsford in the Essex region of the United Kingdom regarding the Government's response to the parliamentary ombudsman's reports on Equitable Life.

The petition states:

The Petition of residents of the constituency of West Chelmsford, Essex,

Declares that the Petitioners either are or they represent or support members, former members or personal representatives of deceased members of the Equitable Life Assurance Society who have suffered maladministration leading to injustice, as found by the Parliamentary Ombudsman in her report upon Equitable

[Mr. Simon Burns]

Life, ordered by the House of Commons to be printed on 16 July 2008 and bearing reference number HC 815; and further declares that the Petitioners or those whom they represent or support have suffered regulatory failure on the part of the public bodies responsible from the year 1992 onwards, but have not received compensation for the resulting losses and outrage.

The Petitioners therefore request that the House of Commons urges the Government to uphold the constitutional standing of the Parliamentary Ombudsman by complying in full with the findings and recommendations of her Report upon Equitable Life.

And the Petitioners remain, etc.

[P000413]

Equitable Life (Tiverton and Honiton)

7.56 pm

Angela Browning (Tiverton and Honiton) (Con): I wish to present a petition to the House from Mr. Ron Holden and residents of the constituency of Tiverton and Honiton in Devon.

The petition states:

The Petition of residents of the constituency of Tiverton and Honiton in the Devon region of England regarding the Government's response to the Parliamentary Ombudsman's reports on Equitable Life,

Declares that the Petitioners either are or they represent or support members, former members or personal representatives of deceased members of the Equitable Life Assurance Society who have suffered maladministration leading to injustice, as found by the Parliamentary Ombudsman in her report upon Equitable Life, ordered by the House of Commons to be printed on 16 July 2008 and bearing reference number HC 815; and further declares that the Petitioners or those whom they represent or support have suffered regulatory failure on the part of the public bodies responsible from the year 1992 onwards, but have not received compensation for the resulting losses and outrage.

The Petitioners therefore request that the House of Commons urges the Government to uphold the constitutional standing of the Parliamentary Ombudsman by complying with the findings and recommendations of her Report upon Equitable Life.

And the Petitioners remain, etc.

[P000421]

Residential Roads (Adoption)

Motion made, and Question proposed, That this House do now adjourn.—*(Mr. Watts.)*

7.58 pm

Mr. Philip Hollobone (Kettering) (Con): I am most grateful to you, Mr. Deputy Speaker, and to Mr. Speaker for giving me permission to hold this debate, which is on the difficulty that local authorities face in adopting roads in new residential developments. That is a very big issue for my constituency, but in researching the subject on behalf of my constituents, I have discovered that it is a big issue across the country. That is why I want to draw it to the Minister's attention.

The Government define an adopted road as a road maintainable at public expense, but the problem is that, in taking over roads into which taxpayers' money quite rightly is to be put, local authorities find it very difficult to get building developers to get the roads up to the requisite standard before the local authorities take the roads into public ownership.

This is not a party political issue; it is an issue of major concern not only to my constituents but to constituents around the country who live on new residential estates. The Government are keen to see many more residential estates being built around the country, not least in the growth areas coming out of London, including the one in which the Kettering constituency is located. Kettering's housing numbers are due to increase from 36,000 at present to 49,100 by 2021—an increase of one third—so many thousands of my constituents are or will be living on new residential estates, and will therefore be affected by what I think is a loophole in the legislation—the Highways Act 1980.

That loophole means, in effect, that there will be hundreds of thousands of residents across the country living on new housing estates whose houses will be located on roads that will have substandard pavements, highways and lighting for many years to come. The mechanism in the Highways Act for roads to be improved to a suitable standard on new residential estates is section 38. Developers are encouraged to enter into a section 38 agreement with the appropriate highways authority which, for constituencies such as mine in the shires, would be the local county council.

However, there does not seem to be any legal requirement for the developers to enter into such a section 38 agreement to have the roads adopted. Even if they do enter into a section 38 agreement with the local authority, local authorities are not able, without the developer's consent, to access the bonded funds that the developers lodge with the local county council. So unless a developer goes bust, there is very little the local highways authority can do to pressurise the developer into improving the standard of the roads.

The other surprising thing I found out in my research for this debate is that the Department for Transport does not know the extent of the problem. In a parliamentary answer to me on 22 October the Minister stated:

> "The Department for Transport has no information on the adoption of streets in new developments by local highway authorities and has made no estimate of the time authorities take to do so."—[*Official Report*, 22 October 2009; Vol. 497, c. 1570W.]

The most recent note from the House of Commons Library on the subject says:

> "A Department of Transport survey in 1972 found that there were then approximately 40,000 unadopted roads in England and Wales, making up some 4,000 miles of road. No later survey has been undertaken but the figure is thought not to have changed much. It was estimated in 2006 that it would cost £3 billion to make these roads up to an adoptable standard."

If nothing else comes from the debate tonight, I very much hope that the Department for Transport will at least try to ascertain the real extent of the problem, which surely must get worse as more houses are built throughout the country.

I see that some Labour Members are present to listen to the debate. If at any point they wish to highlight local examples of the difficulties that they have had with unadopted roads, I shall be delighted to take interventions.

Ms Sally Keeble (Northampton, North) (Lab): I am grateful to the hon. Gentleman, who is one of my parliamentary neighbours. The issue that he is highlighting is of great concern to my constituents too, in the new development at Bridleways. In various other streets, particularly Gorse close and Kingsthorpe, we have seen the results of a road not being brought up to adoptable standard. Thirty years or so down the line, people are living in real difficulties because of the inadequate roads and subsidence and drainage problems.

Mr. Hollobone: I am most grateful to the hon. Lady for that helpful intervention; if she wishes to come back to me at another point, she will be welcome to do so. The estate that she highlights is an important example of how the process is going wrong. There has been extensive coverage of this in the distinguished local newspaper, the *Northampton Chronicle and Echo*. I have spoken to Councillor David Mackintosh, who represents Ecton Brook ward and, like the hon. Lady, has been heavily involved in the issue. I am sure she will correct me if I get this wrong, but I think that essentially the estate in her constituency comprises some 100 homes, many of which are designated for social housing but which stand empty because of a dispute involving the developers, the housing association and the county council. I understand that there has not been a handover from the developer, McCann Homes, to Genesis Homes, which is the housing association involved. For understandable reasons, Genesis Homes and the county council do not want to take responsibility for the roads on the estate because they are not of a suitable standard.

Ms Keeble: It is a bit more complicated than that. The borough council is also involved because it does not want dustcarts to go down the roads. The upshot of all this is that several social housing tenants have been left homeless. One of them has been homeless for 18 months and living on a caravan site because she cannot get into her home as the roads have not been adopted.

Mr. Hollobone: I thank the hon. Lady. The point about social housing tenants is that if they find alternative permanent accommodation before they are allocated their social housing tenancy, it will not be allocated to them because they will be deemed not to be homeless.

Stephen Pound (Ealing, North) (Lab): I am grateful to the hon. Gentleman for securing this important debate. I should declare that I was employed for many happy years by Genesis Homes housing association under its previous name. I understand that it is an extremely responsible housing association and registered social landlord.

In the urban context, we frequently face a similar problem whereby a developer will build on an unadopted road and provide the basic sewerage and power connections but not maintenance or street lighting. There appears at the present time to be no legal requirement for potential purchasers to be told that they are buying a house in a road that is not adopted by the local authority. Will he consider that in the course of his speech?

Mr. Hollobone: I thank the hon. Gentleman for raising that extremely pertinent point. Under the legislation, the frontagers on these roads can be held liable for the costs of bringing the roads, pavements and street lighting up to an adoptable standard. They should be advised of those obligations by their solicitor when they undertake their house purchase, but I am not convinced that that always happens. I hope that the Minister will take that point away and discuss it with his relevant colleague in, I guess, the Department for Communities and Local Government, or perhaps the Department for Business, Innovation and Skills, because it is important that potential homeowners are advised of their potential liability in this respect. Although the point that the hon. Gentleman makes is a matter of concern in Kettering, the vast majority of my constituents who are affected by this issue live on new estates where the developer is supposed to take responsibility for getting the roads, pavements and street lights up to an adoptable standard but is not doing so.

The hon. Member for Northampton, North (Ms Keeble) made an extremely good point about borough council refuse services. Borough and district councils will become involved in that issue through their responsibilities as planning authorities in granting planning permission—although I guess that in her case many of those responsibilities are now devolved to the West Northamptonshire Development Corporation—as well as in relation to the provision of waste collection services. If a road is not adopted to a suitable standard, there is an argument that the borough council may find it difficult to access properties and take away rubbish.

Ms Keeble: In the case of Bridleways, it is not just the roads that cause the complication. There are also problems to do with the gradient, the layout and planning permission. A major issue is the need for proper partnership working between the different local authorities to ensure that arrangements are in place for the roads to be adopted and that there are the right enforcement powers so that people can move into the homes that they have been waiting to move into for some 15 months.

Mr. Hollobone: It really does sound as though the situation is horrendous in the hon. Lady's constituency, and I can understand her anxiety. It has probably been complicated by the presence of the quango, the West Northamptonshire Development Corporation, which could have ironed out many of the problems at the start of the process. Nevertheless, the fundamental point, as I highlighted at the start of the debate, is that the section 38 process is not working properly despite the best endeavours of the local authorities involved.

Mr. Peter Bone (Wellingborough) (Con): I apologise for not being here at the beginning of the debate, but in the next two and a quarter hours of it, will my hon.

[Mr. Peter Bone]

Friend comment on the 52,000 new houses being developed in north Northamptonshire? The problem is that when councils reject plans because the roads will not be adopted and the infrastructure will not be in place, the decision is overturned by the Government inspector, as has happened with 3,000 homes in north Wellingborough.

Mr. Hollobone: I know that my hon. Friend has a huge problem with the Planning Inspectorate in Bristol with regard to the proposed development of 3,000 homes to the east of Wellingborough in his constituency. Clearly, local residents did not want that number of houses built in the proximity of their town, and despite his best endeavours and those of his colleagues on the local borough council, their views, although made very strongly, were effectively ignored and overruled by the Planning Inspectorate in Bristol.

One of the big problems with new housing developments is that roads are not being built to a suitable standard. If the Government's mechanism for that—section 38 of the Highways Act 1980—is already failing, my hon. Friend and I cannot expect it to work in the case of the large new estates that are being proposed in his constituency, in mine and across the country. That adds to local people's anxiety about the proper infrastructure not being in place when those new housing developments are constructed.

I am most grateful to the hon. Member for Northampton, North and my hon. Friend the Member for Wellingborough (Mr. Bone) for highlighting specific examples of the problem. In my constituency, the main communities affected are Mawsley, a new, model village that has been under construction for some years now; the Grange estate, which is being built to the north of Desborough; and the Poppyfields development, which is still in the course of being constructed next to the railway line on Rothwell road in Kettering.

The problem is that Northamptonshire county council, despite its best endeavours, can effectively adopt land as highway land only if the developer wants it to do so. It has no power to require developers to hand over land for adoption, and it rightly takes the view that it will adopt land only if the developer has brought it up to the right standard. It surprises me that developers seem reluctant to bring their highways up to a sufficient standard, because one would have thought that one of the best ways to sell properties on new estates was to have the highways, pavements and lighting sorted out, which would attract new purchasers. It is a genuine problem, especially for Mawsley village.

Mr. Sanders from Mawsley has been a key figure in highlighting the problem. I wrote to the Minister for Housing at the Department for Communities and Local Government in August on behalf of Mr. Sanders. I had contacted the wrong Department, and I got a reply from the Under-Secretary of State for Transport, the hon. Member for Ipswich (Chris Mole). That was extremely helpful. He told me:

> "The local authority, as the highway authority, is responsible for maintaining those streets that have been adopted by it, or its predecessor authorities. If the street has not been adopted, the responsibility for maintenance rests with the owner, or"—

as the hon. Member for Ealing, North (Stephen Pound) highlighted—

> "more usually the frontagers, who are the owners of the properties that fronts, or abuts, the streets concerned. Those purchasing a property in an unadopted street should be advised of its status and the implications by their solicitor.
>
> There are two ways for the developer of a new estate to provide for the street to be adopted either by using section 38 of the Highways Act 1980 or by use of the Advance Payment Code provisions in Part XI of the same Act.
>
> Section 38 of the Highways Act 1980 allows a developer to enter into an agreement with a highway authority for the adoption of a new estate road… once it has been completed to a satisfactory standard. This is a matter for the local authority and the developer. An adoption agreement allows a developer to complete the street certain that it will be adopted subject to an inspection to confirm that it has been built in accordance with the appropriate standard.
>
> Alternatively, a developer may use the Advance Payment Code (APC), if building property on land fronting a private street."

I imagine that that is the point of law that is of particular interest to the hon. Member for Ealing, North.

The letter continues:

> "The landowner (usually the developer or builder) must deposit with the appropriate local authority a sum sufficient to meet the authority's estimate for the cost of it making up the street for adoption and apportion the expenses incurred between the owners of premises fronting the street. The code removes the liability for the subsequent owners of properties on a newly developed street that they would otherwise have had to meet to bring the road up to adoptable standards.
>
> Without an agreement under section 38 or use of an Advance Payment Code under the private street works code, then those owning property adjacent to an unadopted street are liable for both the maintenance of the street and for the cost of any works necessary to bring it up to the standard for adoption. Those buying a house on a new estate should be informed whether the street is subject to a section 38 agreement or APC and what stage this has reached. The impact of this should be explained to them by their solicitor when purchasing the property."

Stephen Pound: The hon. Gentleman is absolutely right. The impact should be explained by the solicitor, but the majority of pre-purchase searches that a solicitor makes relate to, for example, major roadworks, whether planning permission has been granted for any extension, whether there are any major infrastructure schemes, basic land ownership and what we used to call a Swansea search. In many cases, there is no way that one would even know that a road was unadopted. If it is fairly recent and has a thin skin of tarmac, it looks reasonable. I have many constituents who have scrimped and saved to buy a house and now face either a massive bill to bring the road up to standard or spending the rest of their lives on a road that is falling to pieces before their eyes, will damage their vehicles, be a danger to their children and reduce the value of their property. I am grateful to the hon. Gentleman for highlighting such issues—I hope that he will give further impetus to those points.

Mr. Hollobone: I am happy to give those points further impetus, but the main message that the hon. Gentleman and I wish to convey is that the Government need to take the matter away, and the appropriate Ministers in the appropriate Departments need to consider amending, for example, the estate agents' code and the solicitors' code, and examine whether there needs to be a change in the law to protect the hon. Gentleman's constituents and mine from what can be very large charges.

The Under-Secretary of State for Transport rounds off his helpful letter by saying:

> "Mr. Sanders raises some interesting issues, but these would require primary legislation and at present there is no suitable opportunity to do this."

That is a great shame. It might be a late bid, but perhaps the hon. Gentleman could persuade his colleagues to put something in the Queen's Speech next week. Whether by this Government or an alternative, these issues certainly need to be taken up and addressed in future.

An individual in my constituency who has been heavily involved in this matter is Councillor Jim Harker, who is the leader of Northamptonshire county council and, as it happens, councillor for the Kettering rural division that includes the village of Mawsley. He has been working extremely closely with councillors Jim Hakewill and Victoria Perry, who are the borough councillors representing the Slade ward, which includes the village.

In correspondence with constituents on this issue, Councillor Harker said:

> "As you know, most of the roads in Mawsley are unadopted and there are no Section 38 agreements in place. It is, of course, our intention to adopt the roads but under the current"

arrangement

> "with the developers, there is no mechanism to force them to accelerate this process or a cut-off deadline for adoption. The County Council currently hold in excess of £4m bonds to be used in the event that individual developers are unable to make the roads up to adoptable standard and, consequently, we have to step in to resolve matters…The terms of the original planning permission make it difficult, but it seems that given the length of time that has elapsed since the commencement of people taking up residency, we do need to make every reasonable effort to get the roads adopted as soon as possible, rather than leave it to the developers, who we would have thought would be keen to see their bonds returned."

He goes on to state that

> "it is not a question of"

the county council not

> "putting enough pressure on the developers. Although we have the bond, we cannot use it without their agreement and they could withhold this unless we can negotiate it sensibly. This will take some time. Otherwise we will be left with the status quo negotiations by"

Kettering borough council "in the original" section

> "106 agreement, which means that adoption will not take place until the development is complete."

Therefore, the default position is that county councils can apply very little effective pressure to get developers of new residential housing development to comply, meaning that roads, highways and street lighting will not, in many cases, be brought up to adoptable standards until the entire development is complete. For many large-scale housing developments, that could take five, 10 or 15 years. Effectively, the ineffectiveness of the legislation is condemning hundreds of thousands of people in new houses up and down the country to live with substandard roads, pavements and street lighting.

I have had a lot of correspondence from Mawsley residents on the issue. One e-mail came from Emma Brown who, in her own time, voluntarily edits the newsletter that goes around the village. She states:

> "As well as editing the village newsletter, I am also a childminder in Mawsley. I complete the school run by foot twice a day with up to 8 children at a time. My concern is that the crossings on unadopted roads seem to mean very little to motorists. In my opinion, they feel that a zebra crossing on an unadopted road has no significance. Everyday I stand with my children waiting for the traffic to stop – they can see us but do not feel the need to let us cross…I understand that this is equally a matter of the motorists' respect for pedestrians, but I think it is important to make the point that, if the roads are completed and 'proper' crossings are put in place, the motorists will take the crossings more seriously…It is only a matter of time before an accident happens."

Another resident of Mawsley, Clare Farthing, sent me an e-mail saying:

> "Basically we are a very young but growing village, as you are well aware, and we have a vibrant community, full of young families with children. The roads are beginning to become a real issue, not only for pedestrians (because of badly constructed curbs and potholes), but also for cyclists and cars. Without a robust infrastructure in place, it will become more of an issue. People are already falling over and injuries have been caused.
>
> This is going to be an ongoing concern not only for Mawsley Village but for other new developments across the UK. There has to be a systematic approach to road adoption and developers need to be called to account before contracts are signed."

She also says:

> "This village is now the home of nearly 2,000 residents, most with young children and the risk to their safety is now becoming more and more prevalent. In fact a number of people are wondering whether to begin to start putting forward injury claims for slips and trips caused by uneven road surfaces, minor accidents caused by lack of road signs, traffic islands being put in unsuitable areas, the list goes on."

Stephen Pound: From whom would his constituents claim compensation?

Mr. Hollobone: The hon. Gentleman always asks very good questions. I would imagine it would be the developers, because—

Stephen Pound: They may have gone.

Mr. Hollobone: They may have gone, or have gone bust. Certainly, the county council would not be liable, because it has not adopted the roads. In many cases, there would effectively be no redress for what could be some very serious injuries.

I have given the Minister some photographs of the roads in Mawsley village, which show the extent of the problem. Unadopted roads on new estates do not have a top surface—in many cases, neither do the pavements—so the kerbs are very high compared to normal residential areas. That is a very real problem for young mums with buggies or prams and for the elderly, who are more at risk of tripping over. It can also cause damage to vehicles, if they scrape the side of the kerb.

Mr. Bone: I declare an interest as I lived on such an estate, with the raised kerbs, with a young child. I was told that the reason that the roads were not being adopted was not the developer's fault, but that of Anglian Water, because it had not done the sewerage. In his remaining time, perhaps my hon. Friend could develop that important issue.

Mr. Hollobone: Sewerage is indeed a fascinating subject, and I am sure that many hon. Members might think of applying for a separate Adjournment debate on it. It involves section 104 of the relevant Act and is covered by different legislation. As usual, my hon. Friend is right: in many cases, the necessary water supply and sewerage works are not co-ordinated effectively with the construction of the highway. That is surprising, because one would think that the developers would want to get all that sorted out in the appropriate order. Sadly, because the developers know that the local authorities

[Mr. Hollobone]

cannot apply any effective pressure on them to get the roads up to a suitable standard, they are very dilatory about getting the pipe work sorted out. Later in my speech, I shall tell the House about a constituent who raised that very point with me.

Clare Farthing, in another informative e-mail, says:

> "Sounds like the developers just don't want to take responsibility for their part of the original agreement which was, as I believe, to look after several grassed areas, replant trees, resurface roads to an acceptable level…I do know that there are several new villages in Northamptonshire who have experienced this problem…I am in touch with several resident groups at the moment who are all experiencing the same problem.
>
> Is it sensible not to have any road signs, or pavements that are so awful small children are falling through cracks and verges are crumbling into the road? Can anyone else help? What is a sensible negotiation period? Surely people cannot in their right mind think that 8 years is an acceptable negotiation period? If I approached business with that sort of time line in place then I wouldn't be in business."

My constituent Mr. Fergus Macdonald, from Burton Latimer, has also taken up the issue. He told me of his concerns:

> "There is no established procedure to ensure that the adoption happens in a timely manner… It is often in the developers interest to postpone the adoption as long as possible… There are too many parties (often with different agendas) involved in the process… The rules concerning the necessity of ensuring that the roads upon completion become adopted are somewhat vague… I would suggest that it would not be too difficult to ensure that at the planning application stage the time scales for adoption are agreed and financial penalties agreed if these are not met. I would quote to you the case in Burton Latimer where we are still seeking adoption some 9 years after the original completion".

That is an extremely good point, and one that Councillor Jim Harker, the leader of Northamptonshire county council, made to me today. There needs to be a mechanism by which the highways authority can ensure the phased adoption of roads on new estates, rather than leaving it to the very end.

Another constituent who has taken a close interest is Roger Knight. He told me:

> "Improvements needed are: 1. To speed up the process requiring developers to sign up to a specific completion date after which the LA will deduct amounts per day (or week) from the deposited bond. 2. The bond itself is very difficult to find information about. When is it paid over by developers, who holds it and when is it paid back?... 3. There is often confusion between three levels of local government (in the shires). Planners, Highway Authority…, Water Authority and Environment Agency are adept at "buck passing". Parish Councils have no powers but could be helpful in checking that work is completed on time".

That is a very powerful point.

Roger Knight went on to cite the case of Hollow Wood road, Burton Latimer, built by Francis Jackson Homes of Olney. He wrote:

> "This is a small development of 28 houses in a close. Built 2007-2009. Here the complaint is about the severe disruption to vehicular traffic as the pre-adoption work to drains and pathways has been"

undertaken. He continued:

> "Inspection covers in the road were constantly lifted as leaks were corrected and access ladders installed. Why could the latter not have been installed at the time of the initial works?... Also in Burton Latimer the Hollands Drive developments, which was finished by 1999 is still not adopted."

He has been in touch with Fergus Macdonald, who I have already quoted, and who is the town councillor responsible for highway concerns. They both raised these issues with me. Roger Knight continued:

> "My main contention is that house purchasers, who expect a property to be fit to live in before they move in, should have access in a safe and reasonable state. Perhaps a provision to enable the withholding of Council Tax until this happens could also speed up a process which sometimes takes several years to complete?"

The issue of council tax has been taken up by many people affected by this issue. There is even an e-petition on the No. 10 website that states:

> "We the undersigned petition the Prime Minister to make significant reductions in Council Tax and Water Rates (e.g. 10-20%) payable in respect of homes on housing developments of more than 10 houses on unadopted roads."

The explanation on the details of the petition on the websites states:

> "Council Tax is used to provide local services. Although residents benefit from services outside the immediate area of their homes, some services are not provided on unadopted roads (e.g. maintenance of roads, litter collection, emergency repairs to sewers and street lighting; and landscape maintenance). Residents therefore have to rely on the developers to undertake such work, which can take a long while, and standards can vary considerably in quality. Council tax should be proportionate to the levels and standards of service provided by the local and water authorities. Residents selling homes on unadopted roads may be required to deposit considerable sums of money as a bond to cover repairs etc. to unadopted roads. This undermines the value of homes and could be considered an additional tax."

My contention is this: unless the Government address that loophole in the law, there will be growing calls from up and down the country for an amelioration of council tax for those residents affected. At a time when the country is in such dire financial circumstances, I am sure that that is one campaign that the Government would be keen to resist.

My constituent Tom Sanders, whom I have mentioned already, has contacted me to say that, for him, the main issues are:

> "Lack of maintenance on street and road traffic lighting. Road and pavement surfaces…trip hazards and incomplete drop crossings for pedestrian and disabled persons…Roads not gritted…during adverse conditions."

He tells me:

> "The fundamental problems are: The adoption process is un-regulated within the building industry. Builders/developers can pay 'lip service' to basic maintenance service support without any accountability. The whole adoption process can be dragged out with no restraints on a reasonable time frame. The local authorities have no empowerment on the adoption process and can only rely on negotiation.
>
> These problems have been evident for some time at Mawsley Village and the main developer, Taylor Wimpey, have been slow and reluctant in dealing with basic maintenance issues such as street lighting, road potholes and unfinished pavement surfaces.
>
> Taylor Wimpey also appear to be apathetic in bringing the development up to acceptable standards on road and pavement surfaces whilst a handful of houses are still to be built and construction traffic could be diverted.
>
> Therefore, my request to central government and the building industry is: Legislate regulations into the adoption process which provides maintenance services which the developer delivers on a par with the local authorities. This service is 'policed' or monitored by the NHBC"—

the National House-Building Council—

> "with a 'one stop' call and complaints process. The adoption process should be progressive and where possible roads and

> pavements should be finished off and construction traffic diverted to the remaining building sites (Mawsley Village is now almost 10 years old and not all the roads are finished)".

Mr. Sanders took his complaints to the developer Taylor Wimpey. He wrote to Mr. Askew, the head of the organisation, and received a very nice reply from Steve Farmer, the regional managing director. Mr. Farmer said:

> "Mr. Askew has asked me to respond to you on behalf of Taylor Wimpey due to my involvement with the Mawsley development.
>
> Your letter correctly suggests that the issues you have experienced on the Mawsley site are typical of those on many other developments throughout the country."

That is not me or my constituent saying that; it is a major house builder saying it. Mr. Farmer continued:

> "Please let me know if you do not feel we are doing what we can, within our constraints, and I will investigate.
>
> We feel that the general issue you raised is one that mainly effects large developments which do not have sufficiently phased section 38 and section 104 agreements.
>
> It would be beneficial for developers to agree with local authorities at planning stage a phased policy for the development that would allow adoptions to take place at stages throughout the site.
>
> Due to the experiences we have encountered on the Mawsley development this is a practice that we have already adopted on later sites.
>
> In conclusion, we do recognise the issues raised and will work with the other parties involved to try and improve matters on developments in the future."

So there we have it: an admission from one of the major house builders in the land that the law is not as it should be.

I am most grateful to the Speaker for giving me permission to hold this debate. This is an issue of major concern that will affect an increasing number of people, not only in my constituency but across the country. It is also an issue that could be solved relatively easily with a bit of political will and drive from the Minister. It will not just be a matter for the Department for Transport, however; other Government Departments will need to be involved.

This is not a party political issue; it is a real issue of major concern that will affect lots of people up and down the country. There does not appear to be any legal requirement for developers to enter into a section 38 agreement to have roads adopted. Even if they do enter into such agreements, local authorities are unable to access bonded funds from them without the developers' consent. That is a major loophole in the Highways Act 1980 that this Government need to address.

8.41 pm

The Minister of State, Department for Transport (Mr. Sadiq Khan): I, too, thank Mr. Speaker for granting the hon. Member for Kettering (Mr. Hollobone) the Adjournment debate. I congratulate the hon. Gentleman on securing it, and on providing an opportunity to discuss the adoption of new streets, not only in his constituency but elsewhere. I should also like to put on record the fact that other hon. Members have been present and that the hon. Member for Wellingborough (Mr. Bone), and my hon. Friends the Members for Ealing, North (Stephen Pound) and for Northampton, North (Ms Keeble) have made excellent interventions and raised some important points, some of which I shall try to deal with in the two hours that I have in which to respond to the 50-minute speech made by the hon. Member for Kettering.

It might be helpful if I first set out the background to how a highway becomes maintainable at public expense by a highway authority—a process known as adoption. During the hon. Gentleman's 50-minute speech, we heard comments about regional bodies. Reference was also made to sewerage and to legal claims. I shall try to stay away from those subjects, and to respond only to the points that fall within the remit of the Department for Transport.

An unadopted street—or private street, as it is called in the Highways Act 1980—is a highway that is not maintainable at the public expense by a highway authority. The Highway Act of 1835 introduced the provision that, for a street to become publicly maintainable, the "responsible public authority" must deliberately resolve to adopt it. Nowadays, that authority will normally be the local highway authority—for example, Northamptonshire county council is the relevant highway authority for the hon. Gentleman's constituency.

In general, the responsibility for maintaining a private street will fall to the owners of the properties adjoining it—they are known as the frontagers—who would also be legally liable to meet the expenses incurred by the council in making up the street for adoption. Part 11 of the Highways Act 1980 contains what is known as the private street works code. Under the code, a street works authority can resolve to make up a private street at any time. After the works, the street is usually adopted.

The authority can apportion the expense of making up the street between the frontagers, according to the lengths of the frontage of the individual properties that abut or front the street concerned. However, the authority may also modify those apportionments if it has been resolved in advance by the authority to take account of the degree of benefit—if there is any—that individual properties derive from the works. In addition, the authority may, if it sees fit, contribute to the cost of the scheme itself. I am not sure whether that happened in any of the cases that the hon. Gentleman described. There is provision for property owners to object to their apportionments if they see fit, and in the last resort they can appeal to my right hon. and noble Friend the Secretary of State against the sum demanded. That is the extent of the Department's involvement in individual cases.

To avoid the wholesale creation of new private street works liability, the advance payments code was introduced. Under this code, to which the hon. Gentleman referred, a developer building a new property on land fronting a private street must deposit a sum equivalent to the authority's estimated private street works charge, before building starts. This amount is set against the frontager's own eventual liability for street works charges, which is discharged to the extent of that sum, along with any accrued interest. The frontager then pays any shortfall or receives a refund, as the case may be.

There is an alternative route to adoption for new streets. Under the Highways Act 1980, a developer can enter into an agreement with a highway authority for the adoption of a new estate road or, rather, a private street, when it has been completed satisfactorily. As the hon. Gentleman said, this is known as a section 38 agreement. In that case, the advance payments code does not apply and the house buyer on a new estate has the assurance that they will not be called upon to pay street works charges later on.

[Mr. Sadiq Khan]

These "adoption agreements", as they are known, offer such obvious advantages to both the developer and the authority that such an approach is often the preferred one. The developer has the certainty of knowing that, after a year, the authority will automatically adopt the street as a highway maintainable at public expense—subject, of course, to an inspection to confirm that it has been built to the standard agreed by the highway authority. I am not aware in respect of the streets referred to whether the highway authority, Northamptonshire county council, entered into such agreements.

Once adopted, the highway authority becomes liable for future maintenance and liabilities, should there be claims arising from the condition of the highway. Therefore most authorities will adopt a new street in a development only if it has been built to the agreed standard. Where an agreement exists between a highway authority and developer, it will be for the developer to inform the highway authority that the new street should be adopted. The use of agreements or the advance payment code is an important way of protecting the council tax payer.

The hon. Gentleman referred to four matters of concern to his constituents. On the first issue, which related to how the adoption of streets within new developments is carried out, it is clearly unfair to expect council tax payers to subsidise the building of new developments by expecting them to adopt streets that have not been built to the appropriate standards—hence the provision in legislation for agreements and the advance payment code. The hon. Gentleman referred to the 1972 figure of 40,000 unadopted roads and he referred to the Library paper that estimated about the same figure for the numbers today. At today's prices, it would cost an estimated £3 billion for these roads to be made up. It is worth bearing that in mind in our discussions on this issue.

That is why the bond is so important, because it is intended to indemnify the authority from potential liabilities. Once the highway authority is satisfied that the new street is suitable for adoption, the bond is released. For newly built properties—the hon. Member for Wellingborough and my hon. Friend the Member for Ealing, North, as well as the hon. Gentleman, touched on this—those acting for the purchaser should establish the status of the new street and whether there is an agreement to adopt the new highway or that a bond has been lodged with the authority under the advance payment code and advise their client on the implications and what action they could take to mitigate this. In developments such as Mawsley village, it is in the developer's interests to discuss at an early stage with the highway authority how the new streets and infrastructure should be built, rather than, as I understand is the case, to bring the streets up to standard after houses have been occupied.

Good local authorities—it is not for me to comment on whether the hon. Gentleman's authority is a good or bad one—working within the national planning policy framework set planning policies so that local development meet local needs. They may choose to set local planning policies that impose requirements for streets in new developments to be built to the appropriate standard for adoption—an easy thing, one could argue, for a good local authority to do, and many good local authorities around the country are doing just that.

Mr. Hollobone: I am listening to what the Minister is saying, but I am unaware of the mechanism that a local authority can use to ensure that a developer does construct highways, pavements and street lighting to an adoptable standard.

Mr. Khan: The hon. Gentleman must have seen my speech, as I am just coming on to that very point. The requirement can be enforced either through planning conditions or through the use of planning obligations—an agreement between a developer and a local authority. Kettering borough council, as the planning authority for the hon. Gentleman's constituency, could have included that in its planning policies. In addition, if a developer intends a street to remain private with no public right of access, then some councils—the good ones—have entered into planning obligations under section 106 of the Town and Country Planning Act 1990, which requires the developer to build the new streets to the authority's standards and to maintain them in a good condition.

Mr. Hollobone: The Minister is, of course, absolutely right, but the point about the section 106 agreements is that they can only be enforced on the completion of the development, and that may take five, 10 or 15 years.

Mr. Khan: That is why the good planning departments work closely with developers to ensure that buildings are finished on time. Timelines are established so that buildings can be completed quickly.

The hon. Gentleman is presumably alluding to the recession. We know that some developers have had problems and that, for very good reasons, the building of new estates may be delayed. In such circumstances, we would expect the developer and the council to work closely together to ensure that residents who have moved in are not disrupted, and that residents outside the development who use the roads are not inconvenienced by unadopted roads that are not up to scratch.

Authorities will usually only adopt a street if it has been brought up to standard at the expense of the frontagers. As a result, an existing street may only be adopted if a majority of owners in that street agree. For obvious reasons, many authorities prefer to have 100 per cent agreement. If the householders are unable to pay, the Highways Act 1980 provides for the authority to agree to payment with interest over a number of years, or to place a charge on the property. Either approach means that an authority incurs expenditure on behalf of others that may not be recovered for many years, perhaps up to 20 to 30. The highway authority could, subject to decisions by its elected officers, agree to share the cost of bringing the highway up to standard.

Decisions about whether to adopt streets and take on the cost of maintenance are local matters for local decisions, which will be based on the priorities within the authority's own programme of works. The hon. Gentleman, and my hon. Friend the Member for Ealing, North, may be interested to know that between 2008 and 2011 my Department is providing approximately £4 billion of capital funding to support local authority spending on small transport projects and highways maintenance, and around £2.3 billion on larger regional and local transport schemes. The local government settlement from the Department for Communities and Local Government distributes additional revenue funding to local authorities for transport purposes.

Mr. Bone: The Minister is giving a very good response, but may I pick up his point about money being provided by the Department for Transport? In Wellingborough, the Department is suggesting putting in a bus lane for about 60 yards, which will speed up buses by three seconds at a cost of £2 million. Local people say that that is nonsense, but unless the infrastructure is put in, all the rest of the Government funding will fall. That does not seem a very good way in which to approach the provision of local infrastructure.

Mr. Khan: I am happy for the hon. Gentleman to write to me, and I am happy to discuss the matter with him, but I have not yet been briefed on it.

Mr. Hollobone: The Minister has come up with a figure for investment in local roads. Surely he will be as surprised as me that the Department does not appear to have made any assessment of the road mileage of unadopted roads that are likely to come into public ownership over the next five, 10 or 15 years. If he shares my surprise, will he speak to his officials and establish whether there might be legitimate scope for the information to be obtained? Would that not make it easier for the Government to calculate how much extra public expenditure will be required in future?

Mr. Khan: I thought Her Majesty's official Opposition were against databases. However, the hon. Gentleman will know that £3 billion is the cost of adopting the roads on the basis of the 40,000 figure I cited earlier. He will also know that those roads are local matters, and that for us to start compiling a database and obtaining the statistics from local authorities would take a huge amount of time. He, like me, is keen to ensure that every single penny of taxpayers' money is used for sensible purposes, rather than being spent on compiling databases when we already know the cost that will be involved in adopting all the roads.

Mr. Hollobone: Surely the Minister cannot feel comfortable about relying on data from 1972. However much he and I may dislike collecting unnecessary statistics, surely that is a little too out of date.

Mr. Khan: I refer the hon. Gentleman back to what he said in his speech, relying on the paper from the House of Commons Library. All the evidence suggests the number of unadopted roads is about the same now, 40,000, as it was then. I am not sure how having this scientifically tested would help because the point still remains that the cost of adopting those roads is approximately £3 billion. Is the hon. Gentleman suggesting that he can persuade his Front-Bench team to reach a consensus with us and agree that it is right to spend such a sum of money on that, or does he believe [illegible] we should have good planning authorities that [illegible] developers to ensure that when roads are constructed, they are up to the necessary standard to be adopted, which I believe is the prudent course of action? I am unclear whether he is suggesting that his party should make a £3 billion spending commitment.

Mr. Hollobone: Neither the Minister nor I, nor any other Member, knows what that £3 billion figure is based on, because both the Minister and I are relying on a note from the House of Commons Library, and as esteemed as it is, the data are only based on original figures from 1972. Surely the Department for Transport can do better than that.

Mr. Khan: I am not sure whether the hon. Gentleman and I will agree on whether databases are a good thing and whether taxpayers' money or civil servants' time should be spent on compiling databases for this purpose. I do not think they should be, but he clearly disagrees.

There is no doubt that many people who live on private streets consider their liability to pay private street works charges as unfair, particularly people whose houses have long frontages, which make them liable to correspondingly high charges. However, while I obviously have sympathy for those to whom such charges represent a degree of hardship, we should remember that the liability for street works will appear in the local land charges register. The liability should therefore be taken into account in the purchase price of the house.

Many householders have paid to have their own streets made up, and might well feel aggrieved at a decision to make the service free to future users, especially in residential roads where the benefits will be enjoyed almost entirely by the householders and those visiting them, rather than by the public at large. When properties on unadopted streets are purchased, the searches should normally reveal that the street is unadopted, and the potential liabilities should be explained to those planning to purchase properties on an unadopted street by their conveyancer. My hon. Friend the Member for Ealing, North made a very good point about buyers not always being informed of that by their solicitor or conveyancer. If he has examples of that, I will be happy to write to the Law Society to make sure they are looked into. Also, the hon. Member for Kettering might want to pass on to me examples in respect of additional guidance. I thought his party was against over-regulation and over-prescription, but if he is in favour of intervention and the hand of the state being placed on solicitors, I will be happy to listen to his representations and then write to the Law Society.

Some authorities have decided to tackle the issue of the number of unadopted streets in their area by funding some of the work to bring certain streets up to adoption standards. The focus is usually on streets that would benefit the local road network, for instance those that are a through route, or where the properties served are in a deprived neighbourhood. Authorities may use a number of sources of finance to support programmes to tackle long-standing unadopted streets in their area. Generally, these programmes are undertaken only where unadopted streets are in a bad condition and they provide the only access for a large number of properties. I do not know whether the hon. Member for Kettering has seen the unadopted roads information produced by the Department for Transport, but if he has not—or if his county council and borough council have not—I shall be happy to send him a copy. He simply need let me know after the debate has concluded.

The priority each local authority gives to spending resources on unadopted streets is for it to determine locally. The revenue support grant is allocated using a formula and, among other factors, it takes account of road maintenance, which is based on the length of road in respect of each of the different types of road for which the authority is responsible, along with the relative cost of maintaining the road, which takes account of traffic flow, population, and weather conditions.

[Mr. Khan]

Local councils could decide on a programme of adoption and it could be funded through either prudential borrowing or capital receipts from the sale of assets, which may be used for capital purposes. Local authorities already have the flexibility to prioritise their transport expenditure in line with their own locally determined policies. Each authority's local transport plan is formed of a strategy and a shorter-term implementation plan, which is devised at local level in partnership with the community and recognises that local problems require local solutions. Funding for small-scale integrated transport improvement and maintenance schemes, such as making up unadopted roads, is provided as block capital allocations, allowing authorities to spend it as they wish according to local priorities. Such funding amounts to approximately £1.3 billion a year.

By working with highway authorities, developers can ensure that the streets in new estates can be adopted and the responsibility for future maintenance is transferred smoothly to the local authority. As long as streets are built in accordance with the local authority's requirements, there is no reason why newly built streets should not be adopted. I sympathise with those living on new developements who are frustrated by the time taken on this. I empathise with many of the comments made by the hon. Members for Kettering and for Wellingborough and by my hon. Friend the Member for Ealing, North, but they will agree that a considerable amount has been done in this regard.

I am happy for the hon. Member for Kettering to meet my officials if he has specific examples of ways in which we can improve things, but I say that with a caveat: he will appreciate that we have various ambitious plans over the next period, which will be set out in the Queen's Speech next week. A number of his proposals will require primary legislation to ensure that the streets within new developments are built to appropriate standards. Bearing that in mind, my officials and I might not be receptive to some of his ideas if they require that sort of primary legislation or expenditure. If he has other ideas that are sensible, pragmatic, quick and cheap, we would listen with open ears to them.

Once again, may I congratulate the hon. Gentleman on securing this debate and thank him for the conscientious and assiduous way in which he has argued his points? I should also thank my hon. Friend the Member for Ealing, North and the hon. Member for Wellingborough, who have stayed throughout this long debate.

Question put and agreed to.

9.1 pm

House adjourned.

House of Commons

Thursday 12 November 2009

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

CANTERBURY CITY COUNCIL BILL (*BY ORDER*)

Third Reading opposed and deferred until tomorrow (Standing Order. No. 20).

NOTTINGHAM CITY COUNCIL BILL (*BY ORDER*)

Third Reading opposed and deferred until tomorrow (Standing Order. No. 20).

BOURNEMOUTH BOROUGH COUNCIL BILL [*LORDS*] (*BY ORDER*)

Consideration of Bill, as amended, opposed and deferred until tomorrow (Standing Order No. 20).

MANCHESTER CITY COUNCIL BILL [*LORDS*] (*BY ORDER*)

Consideration of Bill, as amended, opposed and deferred until tomorrow (Standing Order No. 20).

LEEDS CITY COUNCIL BILL (*BY ORDER*)

Consideration of Bill, as amended, opposed and deferred until tomorrow (Standing Order No. 20).

READING BOROUGH COUNCIL BILL (*BY ORDER*)

Consideration of Bill, as amended, opposed and deferred until tomorrow (Standing Order No. 20).

CITY OF WESTMINSTER BILL [*LORDS*] (*BY ORDER*)

Motion made,

That so much of the Lords message [12 October] as relates to the City of Westminster Bill [*Lords*] be now considered.—(*The Second Deputy Chairman of Ways and Means.*)

Hon. Members: Object.

To be considered tomorrow.

BOURNEMOUTH BOROUGH COUNCIL BILL [*LORDS*] (*BY ORDER*)

Motion made,

That the promoters of the Bournemouth Borough Council Bill which was originally introduced in the House of Lords in the Session 2006-07 on 22 January 2007, should have leave to suspend any further proceedings on the Bill in order to proceed with it, if they think fit, in the next Session of Parliament according to the provisions of Private Business Standing Order 188A (Suspension of bills).—(*The Second Deputy Chairman of Ways and Means.*)

Hon. Members: Object.

To be considered tomorrow.

MANCHESTER CITY COUNCIL BILL [*LORDS*] (*BY ORDER*)

Motion made,

That the promoters of the Manchester City Council Bill which was originally introduced in the House of Lords in the Session 2006-07 on 22 January 2007, should have leave to suspend any further proceedings on the Bill in order to proceed with it, if they think fit, in the next Session of Parliament according to the provisions of Private Business Standing Order 188A (Suspension of bills).—(*The Second Deputy Chairman of Ways and Means.*)

Hon. Members: Object.

To be considered tomorrow.

CANTERBURY CITY COUNCIL BILL (*BY ORDER*)

Motion made,

That the promoters of the Canterbury City Council Bill which was originally introduced in this House in the previous Session on 22 January 2008, should have leave to suspend any further proceedings on the Bill in order to proceed with it, if they think fit, in the next Session of Parliament according to the provisions of Private Business Standing Order 188A (Suspension of bills).—(*The Second Deputy Chairman of Ways and Means.*)

Hon. Members: Object.

To be considered tomorrow.

LEEDS CITY COUNCIL BILL (*BY ORDER*)

Ordered,

That the promoters of the Leeds City Council Bill which was originally introduced in this House in the previous Session on 22 January 2008, should have leave to suspend any further proceedings on the Bill in order to proceed with it, if they think fit, in the next Session of Parliament according to the provisions of Private Business Standing Order 188A (Suspension of bills).—(*The Second Deputy Chairman of Ways and Means.*)

NOTTINGHAM CITY COUNCIL BILL (*BY ORDER*)

Motion made,

That the promoters of the Nottingham City Council Bill which was originally introduced in this House in the previous Session on 22 January 2008, should have leave to suspend any further proceedings on the Bill in order to proceed with it, if they think fit, in the next Session of Parliament according to the provisions of Private Business Standing Order 188A (Suspension of bills).—(*The Second Deputy Chairman of Ways and Means.*)

Hon. Members: Object.

To be considered tomorrow.

READING BOROUGH COUNCIL BILL (*BY ORDER*)

Ordered,

That the promoters of the Reading Borough Council Bill which was originally introduced in this House in the previous Session on 22 January 2008, should have leave to suspend any further proceedings on the Bill in order to proceed with it, if they think fit, in the next Session of Parliament according to the provisions of Private Business Standing Order 188A (Suspension of bills).—(*The Second Deputy Chairman of Ways and Means.*)

Oral Answers to Questions

BUSINESS, INNOVATION AND SKILLS

The Minister of State was asked—

Higher Education

1. **Dr. Phyllis Starkey** (Milton Keynes, South-West) (Lab): What steps his Department is taking to ensure fair access to higher education for all. [29449]

The Minister for Higher Education and Intellectual Property (Mr. David Lammy): Last week, we published our higher education framework. There has been a narrowing in the gap between the least advantaged and the most advantaged in terms of higher education participation in recent years, but we want to go further, for example by supporting many of the recommendations in the recent report by the panel on fair access to the professions chaired by my right hon. Friend the Member for Darlington (Mr. Milburn).

Dr. Starkey: I thank the Minister for that answer. Increasing additional student numbers is incredibly important to constituencies such as mine in Milton Keynes where there is a relatively low participation rate in higher education. Can the Minister give me any good news about the expansion of the new university centre in Milton Keynes and perhaps about having additional student numbers for those who are studying HE in further education colleges?

Mr. Lammy: I congratulate my hon. Friend on her doughty championing of extending universities' reach across Milton Keynes. Milton Keynes is offering higher education to more students through the Open university than any other university in the country. My hon. Friend was lucky and successful in her bid to extend that reach to mature students and part-time students in Milton Keynes. Additional student numbers are of course an issue for the funding council, but I know that the business plan, as it comes forward, will make that case even stronger.

Stephen Williams (Bristol, West) (LD): It is probably common ground between those on all three Front Benches that there is a problem of fair access to some of our research-intensive universities and to particular courses. Does the Minister not accept that the brave new world for which he is preparing the ground, with the connivance of those on the Conservative Front Bench, with fully variable market fees after the next general election will make those barriers even harder for people from poorer backgrounds to leap?

Mr. Lammy: I am going to take every opportunity to expose the conceit of the Liberal Democrats over the next few months. The hon. Member for Twickenham (Dr. Cable) said that they would turn their backs on the 50 per cent. participation rate and their leader said that they would downgrade their position on tuition fees because they could not cost it after the election. That is the Liberal Democrats' position—conceit and taking our students for granted.

Rob Marris (Wolverhampton, South-West) (Lab): My understanding is that Cambridge and Oxford still refuse to let full-time students work during term time. The access regulator, as I understand it, has never imposed any sanctions against any university. Will my right hon. Friend look into this?

Mr. Lammy: I am very grateful to my hon. Friend for bringing that point to my attention. He knows that universities are autonomous, but I had not heard that before. I will look into the matter and discuss it with the funding council.

Mr. John Hayes (South Holland and The Deepings) (Con): In a written answer, the Minister confessed that only 6 per cent. of state school pupils aged 15 progressed to Russell group universities. Of those few, just one in 10 are from the bottom two socio-economic groups. It is clear that very few such students get to our longest established universities. Vitally, many from more disadvantaged backgrounds study HE in FE, but we know from an answer just this morning that this figure is falling too. So is the Government's expensive Aimhigher programme a failure, or are the answers to the parliamentary questions inadvertently incorrect? It must be one or the other: is it failure or fallacy?

Mr. Lammy: Universities, parents and students up and down the country will be very nervous that a Conservative Government would cut Aimhigher. The socio-economic gap between those in the highest and lowest groups is down by 7 per cent., while participation from the poorest neighbourhoods in the country and from state schools is up. All that is against the backdrop of the Conservatives slashing funding for universities. We have seen an increase of 25 per cent. in the participation rate, so will the hon. Gentleman commit to a 50 per cent.—

Mr. Speaker: Order. I gently say to the Minister of State that the purpose of Question Time is for questions to be put to Ministers, rather than to members of the Opposition.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): My right hon. Friend knows that I have been campaigning for fair access for many years, but can we ensure that fair access means that students are suitably qualified and that they can speak and write English properly? In addition, do they not need to work a bit harder, as at present the average student in our universities does not work hard enough?

Mr. Lammy: My hon. Friend has been a campaigner for the use of contextual data in the past, and I hope that he will welcome that in the higher education framework. I think it best that I leave his words of advice to students to him, as that is a point that only he could make.

High-Speed Broadband

2. **Mr. Edward Vaizey** (Wantage) (Con): What steps he plans to take to provide support for development of high-speed broadband networks. [illegible]

11. **Tony Baldry** (Banbury) (Con): What steps he plans to take to provide support for development of high-speed broadband networks. [illegible]

The Parliamentary Under-Secretary of State for Business, Innovation and Skills (Ian Lucas): The "Digital Britain" White Paper, published on 16 June, outlined the Government's plans for a next-generation fund, which will help to deliver at least 90 per cent. coverage of next-generation broadband for homes and businesses by 2017. The fund will be created through a levy of 50p per month on all fixed telecommunication lines.

Mr. Vaizey: The distinguished Government adviser Professor Andrew Cave has said that the wrong sort of regulation will deter private investment. Charles Dunstone of TalkTalk has said that the telephone tax will delay it. Why is the Minister introducing a telephone tax, and a wireless broadband tax of £100 a year that will hit our small businesses?

Ian Lucas: I am surprised and disappointed that the Opposition are setting their face against a policy that will extend broadband to rural communities and create an inclusive broadband system. The Government have a firm and decisive position, and I would be very interested to hear what alternative proposals the Opposition have for delivering broadband to the rest of the country.

Tony Baldry: Other countries are laying fibre-optic cable to thousands of homes, so why have UK operators barely started to think about doing so? BT, protected by its monopoly over the local loop, appears to be making minimal investment. If we are to get a universal 2 megabit broadband connection by 2012, are the Government not going to have to raise their game in a serious way?

Ian Lucas: With respect, the Government have set out clear policies to intervene, where appropriate, to take the market position forward. Of course, a great deal of investment must be made by the private sector to take forward the extension of broadband across the UK, but the Government must also play their part. We are doing that by making it very clear indeed that we will support the development of broadband so that we have an inclusive broadband system in the UK.

Mr. Mark Todd (South Derbyshire) (Lab): How acceptable is it that a village like Hilton in my constituency, which has a population of nearly 4,000, should have a speed that is too low to enable people to carry out any normal domestic activities? Its thriving business sector also struggles with a speed that is unacceptable. Is it not correct to take a tougher regulatory line with BT?

Ian Lucas: Of course, it is not acceptable that individuals and businesses are excluded from access to broadband. It means that they cannot develop as they would like. For that reason, the Government have set out a clear policy and are determined to act to extend broadband coverage across the country.

Mr. Tom Watson (West Bromwich, East) (Lab): Internet service providers will lose income from people who are cut off as a result of allegations of illicit file-sharing, yet the figures used by my hon. Friend's Department to assess the scale of internet piracy are provided by the music industry and are based on a poor sample—fewer than 200—and have been soundly ridiculed by the BBC. Will he give me a guarantee that he will review those figures?

Ian Lucas: It is extremely important that we recognise the huge impact that illegal file-sharing is having on creative industries, such as the music and film industries, in which we excel in the UK. Any suggestion of removing access from individuals would be very much a last resort, but there is a real issue that we need to confront and deal with, and we shall look closely at the available solutions.

Mr. Phil Willis (Harrogate and Knaresborough) (LD): Will the Minister accept that the way we shall get the private sector to create a really competitive market in the roll-out of broadband is by allowing different digital platforms access to content, particularly of BSkyB's premium programmes? What is he doing to make sure that Ofcom creates that wide competitive programme, rather than simply giving in to Murdoch?

Ian Lucas: The hon. Gentleman will be aware that Labour Members never like giving in to Murdoch and we are, therefore, very keen indeed to create and take forward a competitive business model. We are not in anyone's pocket. We want to create a level playing field in the UK and we shall work with business to achieve it.

Business Investment (Yorkshire)

3. **Hugh Bayley** (City of York) (Lab): What steps his Department is taking to promote investment in businesses in Yorkshire. [299491]

The Minister for Regional Economic Development and Co-ordination (Ms Rosie Winterton): My Department is taking a number of steps to support businesses and promote investment across the regions, including schemes such as grants for business investment, the enterprise finance guarantee and support for collaborative research and development projects. In addition, BIS supports the regional development agency, Yorkshire Forward, which has spent more than £200 million supporting businesses in the last two years.

Hugh Bayley: York is performing better than many other cities in the economic downturn. We have a lot of vigorous private sector businesses, but they need help not just with investment, but with exports and in building up their skills base through training. To what extent is Yorkshire Forward focusing on those needs?

Ms Winterton: My hon. Friend is quite right to point out the local situation in York. He has been very involved in ensuring that there is help for businesses. In fact, Yorkshire Forward supported 17 companies in York during the first two quarters of this year as part of its targeted export support services and, through the Train to Gain enhancement fund, it has supported 32 York businesses. That is a good track record for the RDA in my hon. Friend's constituency.

Miss Anne McIntosh (Vale of York) (Con): Can the Minister explain why small businesses in York and north Yorkshire say that they cannot have access to credit and finance from the Government and from the finance credit guarantee to which she referred? What are the Government doing to make that finance and credit available?

Ms Winterton: Through Yorkshire Forward, we have established Business Link as the first port of call for businesses to get advice, often, for example, on how to have a free financial health check. That has enabled them to put a case together and access the enterprise finance guarantee and other initiatives. I have to say to the hon. Lady that her party voted against all help in such circumstances—

Mr. Speaker: Order. I call Jeff Ennis.

Jeff Ennis (Barnsley, East and Mexborough) (Lab): May I tell the Minister that yesterday I was at the launch in Leeds of two research papers commissioned by The Northern Way, highlighting the significant role that all three RDAs—Yorkshire Forward, Northwest RDA and OneNortheast—are playing in supporting local businesses in their regions? Does my right hon. Friend agree that we need to strengthen the links between the three RDAs if we are to continue to accelerate economic development in the regions and attract skilled workers?

Ms Winterton: My hon. Friend is quite right to point to the work that has been done across the northern regions. The work of The Northern Way has focused very much on what needs to be done during the economic downturn and in planning for the recovery. The work of the RDAs has been absolutely crucial during this time, and the Conservative party has sent out very conflicting messages about the future—

Mr. Speaker: Order.

Sir Patrick Cormack (South Staffordshire) (Con): Is it true that the hon. Member for Barnsley, East and Mexborough (Jeff Ennis) who just asked the right hon. Lady that question is her deputy Regional Minister? If it is true, how can it happen?

Ms Winterton: Because my hon. Friend is doing a great job in ensuring that we work closely with business organisations, the regional development agency and local authorities in Yorkshire and the Humber, to ensure that real help is made available to those businesses and individuals and that we are planning properly for the recovery. The Conservative party voted against all those measures and has no answers for the future in Yorkshire and the Humber.

Mr. Speaker: Order. I want to make great progress in getting down the Order Paper. At the moment, questions and answers are too long, and they need to be shorter.

Minimum Wage (Tips)

4. **Shona McIsaac** (Cleethorpes) (Lab): What assessment he has made of the effectiveness of measures to prevent tips being counted towards salaries in calculation of the national minimum wage. [299493]

The Minister for Business, Innovation and Skills (Mr. Pat McFadden): Measures to prevent tips from being counted towards salaries in calculating the minimum wage were introduced by the Government on 1 October this year. The public do not expect the tips that they leave for staff to be used to make up the minimum wage, and the change that we have introduced brings clarity for customers, staff and employers. We will ask the Low Pay Commission to review the measure next year, as part of its annual reporting process.

Shona McIsaac: In constituencies such as Cleethorpes, where many people work in the hospitality industry, this move has been widely welcomed, but can my right hon. Friend tell me whether there is still a difference if people tip via cash or credit or debit card? With one of those methods, the money used to go to staff, and with the other, it did not. Will he clarify the position?

Mr. McFadden: Yes, I am very happy to clarify that. My hon. Friend is right that, in the past, the law treated tips differently depending on whether they were left by cash or by credit card. The change that we have made clarifies the position and makes it clear that all tips and gratuities, whether left by cash or by credit card, can no longer be used to make up the minimum wage. That is right; it is an important measure of justice for service workers; and it is entirely in line with the public's expectations.

Apprenticeships

5. **Philip Davies** (Shipley) (Con): How many young people started an apprenticeship in (a) Shipley constituency and (b) England in the latest period for which figures are available. [299494]

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): Some 220 young people aged 16 to 18 started apprenticeships in Shipley in 2007-08, and 107,600 did so in England. The Apprenticeships, Skills, Children and Learning Bill will ensure that all young people receive objective and comprehensive advice about their options at the age of 16 and that an apprenticeship place is available for all suitably qualified young people by 2013.

Philip Davies: I thank the Minister for those figures, but will he break them down further and explain how many of them were real, traditional apprenticeships, as most people in this country would understand them, and how many of them were other forms of training that the Government call apprenticeships for reasons of political spin?

Kevin Brennan: The hon. Gentleman's attitude is rather disappointing and rather out of date. More than 180 apprenticeship frameworks, across all sorts of careers, are available now in the UK since the Government rescued apprenticeships from the oblivion that they were heading towards under the Conservative party.

Chris Ruane (Vale of Clwyd) (Lab): Does my hon. Friend agree that Shipley and England in general can learn from best practice on apprenticeships from across the UK, including Wales and, in my constituency, Rhyl college, which has had a £4 million extension to increase the number of apprenticeships? Will he join me in congratulating Rhyl college, which has been a finalist for a beacon award in open access?

Kevin Brennan: I have always considered Rhyl a beacon for other towns across the UK, and I join my hon. Friend in congratulating his local college on its achievement.

Mr. David Willetts (Havant) (Con): If the Minister is so keen on apprenticeships, will he explain to the House why, in the leaked document that I have before me, he proposes cuts to the funding of apprenticeships, and why he is doing so little to help apprentices who are losing their jobs during the recession? Why does he not adopt our policy of a clearing house to help apprentices who lose their jobs to find new employers? If he will not do that, why does he not ask Lord Sugar to take that on? That might be a better use of Lord Sugar's time than denouncing Britain's hard-working small businesses, which is all that he seems to do at the moment. Or is it a case of "Lord Sugar, you're fired"?

Kevin Brennan: The hon. Gentleman raises a number of issues. Of course, the so-called secret document to which he refers confirmed savings announced in the Budget. It just goes to show that if one wants to keep something secret, one should announce it in the House of Commons. Those figures were no secret to anybody in the further education sector. It was not a secret document, and of course it did not propose a cut in apprenticeship numbers. We are confident that we can maintain the numbers by reducing unit cost. I thought that the hon. Gentleman would welcome greater efficiency.

Employees' Rights

6. **Andrew Miller** (Ellesmere Port and Neston) (Lab): What steps his Department is taking to ensure that employees' rights are adhered to in the workplace; and if he will make a statement. [299495]

The Minister for Business, Innovation and Skills (Mr. Pat McFadden): Last year, the Government launched a £6 million, three-year information campaign to make sure that vulnerable workers are aware of their rights and of how to report abuses. As part of our efforts, we recently launched the pay and work rights helpline on 0800 917 2368. It combines the functions of five previous helplines, making it easier for vulnerable workers to report bad treatment at work. Today, we are also announcing specific plans to ban up-front fees in the modelling and entertainment industry, to stop agencies trying to exploit young people who are trying to break into those industries.

Andrew Miller: I welcome that response, but may I remind my right hon. Friend of his words in July? He told the BBC:

> "We know that there will be a minority of employers out there who will try to get around the law and perhaps that temptation increases in a recession, but we are determined that the recession must not be an excuse for people to be denied their basic employment rights."

Does my right hon. Friend therefore agree with the 156 people who have signed early-day motion 2099, and will he implement the agency workers directive now?

Mr. McFadden: It is perfectly normal for member states to be given three years to implement such directives. We will legislate to implement the directive in the coming months, but I have to tell my hon. Friend that if the Opposition had their way, the issue would not be whether the measure was implemented next year or the year after that, but whether it was implemented at all. The Leader of the Opposition said last week—

Mr. Speaker: Order. The Minister's responsibility is to answer questions appertaining to the policy of the Government, not the Opposition.

Mr. Christopher Chope (Christchurch) (Con): Will the Minister confirm that the helpline number that he has given to the House is available to hon. Members' staff who are threatened with redundancy by the recommendations of Sir Christopher Kelly?

Mr. McFadden: The helpline is open to all. It will, of course, be up to the enforcement agency to decide whether to take up cases referred to it.

EU Agency Workers Directive

8. **Tony Lloyd** (Manchester, Central) (Lab): What plans he has for implementation of the EU agency workers directive; and if he will make a statement. [299497]

The Minister for Business, Innovation and Skills (Mr. Pat McFadden): The Government are committed to getting the legislation on to the statute book by the end of this Parliament; my right hon. Friend the Prime Minister confirmed that in his recent speech to the TUC. Last month, we published draft regulations that are scheduled to come into force in 2011.

Tony Lloyd: Will my right hon. Friend tell the House whether he has received any representations from those who would seek to ensure that the directive does not apply to the United Kingdom? Did they make those representations to him because they want to attack vulnerable workers, or is it, for them, merely another promise on Europe to be broken?

Mr. McFadden: If you will permit me, Mr. Speaker, I will answer the question. Yes, we have heard calls for social and employment legislation to be repatriated, and for us not to go ahead with the legislation. I do not know where the right hon. and learned Member for Rushcliffe (Mr. Clarke) stands on the issue, but I do not believe that that would be in the interests of the country, when agreements have already been reached in Europe, or in the interests of agency workers, for whom we want to ensure justice, through the implementation, on a proper time scale, of the legislation.

Mr. Jonathan Djanogly (Huntingdon) (Con): Conservatives did, indeed, campaign for a delay to the agency workers directive's implementation until November 2011, and business was very relieved when the Government conceded to that delay. But, given the regulations' complexity, why are the Government now pandering to trade union demands to push the measures through before the general election?

Mr. McFadden: It is perfectly normal for legislation to be passed by this House and then for a period to elapse before its implementation. There is nothing unusual about that, and there is no undue delay to the matter. When such directives are agreed in Europe, it is perfectly normal for member states to be given up to three years to implement them. We have stuck by what we said we would do on the legislation, which is to legislate in the coming months and to have an implementation time scale on the basis that we have set out.

Small and Medium-sized Businesses

9. **John Howell** (Henley) (Con): What progress he has made on ensuring increased access to finance for small and medium-sized businesses. [299498]

The Minister for Regional Economic Development and Co-ordination (Ms Rosie Winterton): A number of targeted interventions are working to ensure access to finance for small and medium-sized businesses. They include the enterprise finance guarantee, whereby 6,240 businesses have been offered loans totalling £630 million to date, and the capital for enterprise fund, whereby £60 million has been offered to 40 businesses.

John Howell: Picking up the point that my hon. Friend the Member for Havant (Mr. Willetts) made, I wonder whether the Minister agrees with her new noble Friend Lord Sugar, the Prime Minister's enterprise tsar, who said that those small businesses that are trying to seek credit are merely moaners and living in Disneyland.

Ms Winterton: That is not my understanding of what Lord Sugar said. However, there has been very good progress in terms of the enterprise finance guarantee, and, as I said, about £630 million has been offered to small and medium-sized enterprises. The hon. Gentleman needs to understand that his party totally opposed those facilities, and that, working with regional development agencies and local authorities, we have not only got real help out there to businesses during these difficult economic times, but set out a very clear plan for the recovery regionally, locally and nationally.

Mr. Geoffrey Robinson (Coventry, North-West) (Lab): Will my right hon. Friend look at access to finance for research and development in manufacturing and, in particular, the position in Coventry, where Ericsson is sacking 700 skilled workers because it cannot access R and D money owing to its status as a cost centre, and not a profit centre? That seems a big restriction.

Ms Winterton: I will certainly take up with the regional development agency the issues that my hon. Friend raises, because finance is available to undertake research and development. Obviously, we regret Ericsson's announcement. It will remain a large investor, so it is not leaving the UK entirely, but I understand the feeling that it will be a great loss to the west midlands.

John Thurso (Caithness, Sutherland and Easter Ross) (LD): Access to, and the cost of, bank credit remains a critical issue for many small and medium-sized businesses. However, the financial crisis has equally shown the need for better access to equity finance. In that regard, does the Minister agree that to address the equity gap we need to put in place mechanisms, including local enterprise funds and even regional stock exchanges, such as the very successful Investbx? How are the Government going to achieve that?

Ms Winterton: Certainly, the recently launched innovation funds will be extremely helpful in that regard. The hon. Gentleman may also be aware of a number of regional development agencies that are considering using European regional development fund money in order to look at venture capital funds and ensure that there is capital for the future.

Grocery Supply Ombudsman

10. **Andrew George** (St. Ives) (LD): What recent representations he has received on the Competition Commission's proposals for a grocery supply ombudsman. [299499]

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): We have received a number of oral and written representations from interested parties, expressing a range of views on the Competition Commission's proposal for a grocery supply code of practice ombudsman. Those views, together with the commission's careful analysis, will be taken into account when we reach our decision shortly.

Andrew George: After 10 years of inquiries, the Competition Commission's recommendation clearly identified that supermarkets transfer excessive risk and unexpected costs, to the detriment of both suppliers and consumers. Surely for the Government this is more of a Kelly inquiry moment than a Professor Nutt moment. Are there any circumstances in which the Government have ever refused to accept the clear recommendations of the Competition Commission in this way?

Kevin Brennan: As I discussed with the hon. Gentleman just last week when he came to meet me about this subject, Parliament ultimately intends Ministers to take decisions. That is why the power rests with Ministers, and I think he would be the first to criticise me as a Minister if I simply accepted every recommendation without giving it due consideration.

Paddy Tipping (Sherwood) (Lab): It is very clear that small food producers face unfair competition with large retailers. The Competition Commission has made a recommendation. When are the Government going to make a decision and announce it?

Kevin Brennan: As I said, shortly.

Groceries Supplies (Code of Conduct)

12. **Linda Gilroy** (Plymouth, Sutton) (Lab/Co-op): What recent discussions he has had with representatives of the grocery industry on establishing a groceries supply code of conduct. [299501]

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): The answer is none. The Competition Commission has powers under the Enterprise Act 2002 to put in place the revised groceries supply code of practice without involvement from Government. It laid that order on 4 August, and it will come into force on 4 February 2010.

Linda Gilroy: Why is it taking so long to establish an ombudsman, and will my hon. Friend please take note of the representations that he has received today and act quickly?

Kevin Brennan: I will take note of the representations from hon. Members, and in the very near future I will meet interested parties to give further consideration to the matter of the ombudsman. As I said, the code will come into force on 4 February next year.

Mr. Philip Hollobone (Kettering) (Con): In Desborough in my constituency, the Co-op has the only supermarket in town and it has restrictive covenants on other sites where supermarkets might locate. Those covenants are effectively acting as a brake on the economic redevelopment of the town. What will the Government do to ensure that they do not act as a brake on economic growth?

Kevin Brennan: That is a separate matter for the Competition Commission, which is considering whether changes are necessary in planning requirements to do with competition. Again, the Government will respond shortly on that matter.

Labour Force Re-skilling

13. **Mr. Jim Cunningham** (Coventry, South) (Lab): What expenditure his Department has incurred on labour force re-skilling initiatives in the last 12 months. [299502]

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): In 2008-09, investment in work-based learning through Train to Gain and apprenticeships was £1.2 billion. The Department has also focused the total adult skills budget towards skills and qualifications that support progression into and within sustainable employment, as set out in the November 2008 investment strategy.

Mr. Cunningham: Following on from the question by my hon. Friend the Member for Coventry, North-West (Mr. Robinson), may I ask the Minister what discussions he has had with Tata and Ericsson about the Ansty technology park in Coventry? As my hon. Friend indicated, 700 jobs are going to be cut there arbitrarily, and the potential creation of 2,000 jobs has been stopped. What discussions have taken place with both companies?

Kevin Brennan: I understand that the Secretary of State has already been in discussion with the companies about that. As my right hon. Friend the Minister for Regional Economic Development and Co-ordination said earlier, the Government regret Ericsson's announcement. It will remain a large investor in the UK, but nevertheless the jobs involved are highly skilled and will be a great loss in the west midlands, so we are currently in discussions with the company to see what the Government could do to try to alter its decision.

Mr. David Evennett (Bexleyheath and Crayford) (Con): According to the recent CBI report on skills funding, this year the Government's Train to Gain programme will fund eight times more courses at level 2 and below than at level 3, with funding often just going to badge up existing skills. Does the Minister think that that lack of focus on technical skills is why four in 10 businesses say that Train to Gain adds nothing to their organisation?

Kevin Brennan: As I said earlier, Mr. Speaker, if you want to keep something a secret, announce it in the House of Commons. The hon. Gentleman may not have noticed, but yesterday we launched a White Paper setting out our policies in this regard, including creating an extra 35,000 apprenticeships at level 3 to raise the level of skills and deal with the problem of what is sometimes called "assess assess."

Free Trade Agreement (Colombia)

14. **Mr. Brian Jenkins** (Tamworth) (Lab): What recent discussions he has had with his EU counterparts on a mandate for the European Commission to negotiate a free trade agreement with Colombia. [299503]

The Parliamentary Under-Secretary of State for Business, Innovation and Skills (Ian Lucas): With permission I should like to answer this question in conjunction with Questions 15 and 16.

Mr. Speaker: Order. I think I am right in saying that Question 15 has been withdrawn—the grouping is with Question 16.

Ian Lucas: Thank you, Mr. Speaker.

16. **Mr. Stephen Hepburn** (Jarrow) (Lab): What recent discussions he has had with his EU counterparts on a mandate for the European Commission to negotiate a free trade agreement with Colombia. [299505]

Ian Lucas: Negotiations between the European Union and the Community of Andean Nations were launched in 2007. The mandate was last revised in December 2008 when, because the Andean nations could not agree a common position—*[Interruption.]*

Mr. Speaker: Order. I am sorry to interrupt the Minister. There are far too many rather noisy private conversations taking place. It is pretty rude and I am sorry to say that it includes those on the Front Bench, and that must stop.

Ian Lucas: The mandate was last revised in 2008 when, because the Andean nations could not agree a common position, Colombia and Peru asked the European Commission to negotiate a multi-party trade agreement with interested Andean countries. Ecuador remains an observer.

Mr. Jenkins: I thank my hon. Friend for that answer, but will he recognise that this House has a strong and proud tradition of supporting free trade union movements, especially when it is called Solidarity? Will he impress upon his European Union counterparts that we cannot enter into a free trade agreement with any country that does not allow free trade union movements?

Ian Lucas: Of course, free trade unions are a fundamental tenet of any civilised society. That is why we have successfully pressed the European Commission to include a human rights clause in the agreement with Colombia and Peru, which, if breached, would enable the agreement to be suspended.

Mr. Speaker: Mr. Stephen Hepburn. Not here.

Small and Medium-Sized Businesses

17. **Mr. John Baron** (Billericay) (Con): What recent progress his Department has made in assisting small and medium-sized businesses to secure finance. [299506]

The Minister for Business, Innovation and Skills (Mr. Pat McFadden): A number of interventions are working to help access to finance for small and medium-sized businesses. These include the enterprise finance guarantee, by which some 6,200 businesses have been offered loans totalling £630 million to date, and the capital for enterprise fund, by which £60 million has been offered to 40 businesses.

Mr. Baron: I have to beg to disagree with the Minister. Many companies in my constituency and the most recent credit crunch survey by the Federation of Small Businesses have confirmed that in too many cases, the cost of credit is actually increasing, whatever the Government say. What are they going to do about that? Which of the Minister's schemes is actually going to ensure that the cost of credit is affordable, because the EFG is failing in that, and credit is terribly important to small business?

Mr. McFadden: I absolutely accept that access to finance and credit is critical to small businesses. That is why we have acted on this. In the hon. Gentleman's constituency, which he mentioned, 11 loans have been offered to businesses through that scheme. That is just one part of the country—as I said, the total is 6,000 overall. The issue he raises is vital, which is why we have launched those schemes. The enterprise finance guarantee is having an effect, but we must also remember that most businesses will get credit through conventional bank loans. The Government scheme has never intended to replace conventional bank lending, but to be an additional fund where we will share more of the risk in a particular group of cases.

David Taylor (North-West Leicestershire) (Lab/Co-op): One of the best ways of improving access to finance for small and medium-sized enterprises is to look at the poor cash flows that they are having to endure because larger firms further up the chain are exploiting their vulnerability. What does the Minister intend to do to improve that parlous position?

Mr. McFadden: My hon. Friend raises a very important point. That is one reason why the Government have tried to be a better customer and to pay more of our invoices within 10 days, rather than 30 days, as was the case previously. I am glad to say that most Departments have stepped up to the plate on that issue, including the Department for Business, Innovation and Skills—more than 90 per cent. of my Department's invoices are met within that 10-day period. In addition, we have launched a prompt payment code with larger businesses. It is also important that they are a good customer to the many small and medium-sized businesses that depend on their business.

Mr. Kenneth Clarke (Rushcliffe) (Con): The Minister must be aware that August was the seventh consecutive month in which the net flow of finance to business fell, and that the figures for the third quarter of this year are the worst on record for the fall in lending to business. Will he not acknowledge that the Government's efforts to tackle this problem of credit for business over the last nine months—the worst of the credit crunch—have failed, and that they would have been much better advised to take up our suggestion of a large across-the-board loan guarantee scheme, which might have saved quite a number of our struggling businesses?

Mr. McFadden: I certainly do not accept that the Government's efforts to promote credit and help small businesses get access to credit have failed. As I said, our scheme is working. Some 6,000 businesses have benefited, and hundreds of millions of pounds have been lent. We have also reached agreement with the banks in which we have stakes in order to ensure that they keep lending. Another factor is the fall in demand for lending that is experienced during a recession as businesses face difficulties. The right hon. and learned Gentleman's comments today are in contrast to those he made to the Press Gallery, where he said that our Secretary of State was one of the few Ministers who had workable policies, some of which he wanted to borrow.

NEETs

18. **Ann Winterton** (Congleton) (Con): How many people under the age of 24 were not in education, employment or training on the most recent date for which figures are available. [299507]

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): In the second quarter of 2009, there were 959,000 people not in education, employment or training aged 16 to 24. This includes young mothers with children, those who are seriously ill or have profound disabilities, and young people who have a course or job that has not yet started, including those on a gap year.

Ann Winterton: Those are absolutely terrible figures and much higher than one would have expected, especially as so much taxpayers' money has been focused on getting young people into education, employment or training. May I suggest to the Minister that those young people who are fit and well and not included in those three sectors should be encouraged—in fact, made—to work for the local community on worthwhile projects? Our towns and cities are filthy: it is about time that everybody in the local community helped to put that sort of thing right.

Kevin Brennan: I remember being unemployed in 1982 under a previous Government when I left university, and I can tell the hon. Lady that there are now far more opportunities provided by the Government for young people who are out of work than there ever were at that time. The Conservatives have refused to commit to the education maintenance allowance or to match our commitments to job training and places, so those are hollow words from the hon. Lady.

Mr. David Anderson (Blaydon) (Lab): Would my hon. Friend agree that the best that we can do in this situation is to carry on working for these young people and continue the Government initiatives? We should not listen to the Opposition who have nothing but crocodile tears to offer this country.

Kevin Brennan: My best response to that is yes.

Small Businesses

19. **Mr. Peter Bone** (Wellingborough) (Con): What assessment he has made of the effectiveness of the Government's enterprise champion in contributing to the Government's policy on small businesses. [299508]

The Parliamentary Under-Secretary of State for Business, Innovation and Skills (Ian Lucas): My noble Friend is providing valuable advice to the Government and is passionately committed to helping small businesses.

Mr. Bone: Would the Minister recommend to the Secretary of State that he sits Lord Sugar down in a room, looks at him mournfully, stabs his finger at him a couple of times and says, "You're fired"?

Ian Lucas: I have many interesting discussions with the Secretary of State, but I certainly would not give him that advice.

Royal Mail

20. **Andrew Rosindell** (Romford) (Con): What plans he has for the future of Royal Mail. [299509]

The Minister for Business, Innovation and Skills (Mr. Pat McFadden): We want to see an efficient and modern Royal Mail and have made £1.2 billion available in financing to enable Royal Mail to implement its transformation plans. We welcome the agreement reached last week between Royal Mail and the Communication Workers Union, which has resulted in a period of calm to enable negotiations on taking forward the modernisation plan. The critical challenge, of course, for Royal Mail is to modernise in the face of technological change and the growth of alternative means of communication, such as e-mail, texting and broadband internet.

Andrew Rosindell: Does the Minister share the dismay of the British people at how Royal Mail—a great British institution—has been downgraded under this Government? Will he ensure not only that the current truce continues until Christmas, but that the Government take positive action to ensure that once again Royal Mail becomes a flagship institution in our country?

Mr. McFadden: We have certainly not downgraded Royal Mail. We have backed it to the hilt financially. The £1.2 billion that I referred to comes on top of £1.7 billion to support the post office network and on top of more money earlier in this Government to support Royal Mail. Our commitment is not open to question. The issue is transformation in the face of the technological change that affects the lives of each and every one of our constituents, and that is Royal Mail's task. That is why it is so important to get an agreement that is not only signed up to, but properly implemented to ensure the health of this critical British service.

Topical Questions

T1. [299514] **Gordon Banks** (Ochil and South Perthshire) (Lab): If he will make a statement on his departmental responsibilities.

The Minister for Business, Innovation and Skills (Mr. Pat McFadden): Our Department is focused on working with business to help Britain through difficult economic times, to try to ensure that Britain is as well placed as possible for economic recovery, when it comes, and to equip people for the jobs of the future. In recent weeks, we have had a particular focus on the latter point with the publication of the higher education framework and yesterday's skills White Paper.

Gordon Banks: When will my right hon. Friend respond to the fatal accident inquiry by Sheriff Mackie in our sheriff court? Furthermore, what action does he intend to take to prevent further child deaths from strangulation by loop blind cords?

Mr. McFadden: In July, officials met representatives of the British Blind and Shutter Association, when the industry's "Make it Safe" initiative on how to reduce the risk from loop blind cords and chains was discussed. The Department and the industry have agreed a plan to make their guidance available to the widest possible audience, which would include working with the Royal Society for the Prevention of Accidents to address the important and serious issue that my hon. Friend raised.

Mr. Kenneth Clarke (Rushcliffe) (Con): At a time when 51 companies are going bust every day in this country, and when, as we said a few moments ago, the credit position for small businesses is very difficult, does the Minister agree with Lord Sugar, the small business tsar, that struggling small business men are moaners and living in Disneyland, which he undoubtedly said? Is it not time for the Department's senior Minister in the House of Commons to apologise on behalf of the Government for what was said? Otherwise, it will appear that they are indifferent to, and out of tune with, the problems of entrepreneurs up and down the country who are trying to save their businesses and other people's jobs.

Mr. McFadden: I reject entirely the charge that the Government are indifferent to the difficulties faced by small businesses. We know that small businesses are vital to creativity in the country and to employment, and we appreciate the passion and commitment that it takes for people to start and grow a small business. That is why the Government have backed small businesses, why we shall continue to do so and why we are working with them to help them through difficult economic times. We know that the economic recovery is based on their health and strength in the future.

T2. [299517] **David Taylor** (North-West Leicestershire) (Lab/Co-op): Despite the UK blocking websites that deal in images of child abuse, recent court cases have shown that abusers are still distributing such material using private, peer-to-peer file sharing. Will the Minister assure me that the Government are aware of the need for an action plan to combat this foul trade and will use a digital economy Bill in the Queen's Speech to curb that practice?

The Parliamentary Under-Secretary of State for Business, Innovation and Skills (Ian Lucas): My hon. Friend raises a serious and grave issue. It is my understanding that the type of foul behaviour to which he referred is unlawful under current legislation and that action is being taken under it to counter that behaviour. The digital economy Bill will address issues relating to the infringement of copyright.

T3. [299518] **Sir Nicholas Winterton** (Macclesfield) (Con): The beer tie is valuable and necessary in respect of small and family breweries, but damaging and unnecessary in respect of pub companies and larger breweries. Will the Minister ask the Office of Fair Trading to make a referral to the Competition Commission setting the bar far higher than in previous cases?

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): The OFT has made a decision on the super-complaint made by the Campaign for Real Ale about that issue. We are studying carefully the detail of the findings and are quite encouraged by some of the industry activity over the summer following the Business and Enterprise Committee's report on the matter. It is too early to decide whether the Government should intervene, but we are encouraging parties to work closely together and to deliver on their commitments. We will be monitoring the situation closely.

T4. [299519] **Alun Michael** (Cardiff, South and Penarth) (Lab/Co-op): Will the Minister tell us what the Government are doing to help people who get into debt through overspending on credit and store cards? Will he also congratulate citizens advice bureaux and the Consumer Credit Counselling Service on the work that they do to help individuals who run into such problems?

Kevin Brennan: Yes, I will congratulate them, as well as my right hon. Friend on the work that he has done with Citizens Advice and the voluntary sector over the years. We recently announced our consultation on changes in relation to credit cards, which opened on 27 October 2009 and will close on 19 January next year. The consultation is looking at how repayments are allocated to balances, whether mandatory higher minimum payments should be set, whether there should be a limit on unsolicited limit increases and whether re-pricing of existing debt should be banned or restricted. The consultation has been widely welcomed.

T6. [299523] **Mr. Mark Harper** (Forest of Dean) (Con): May I ask the Minister for further education about the National Star college, which he will know is in the constituency of my hon. Friend the Member for Cotswold (Mr. Clifton-Brown) and on whose behalf he has been campaigning assiduously? The college has a national remit to help young disabled people, but its capital programme was not funded. It recognises the tough economic climate that we are in and has made proposals to the Minister to reduce the amount of public funding that it needs. What can he say to the House today to demonstrate that the Government are truly committed to helping young disabled people across the country?

Kevin Brennan: The Government are committed to helping disabled people, and have done more than any previous Government on that matter. I met the principal of the National Star college earlier this year and undertook to look further into the possible funding of its capital programme. The Learning and Skills Council is working with colleges on the next stage of the capital programme, but at this point that is all that I can say on the matter.

T5. [299522] **Jeff Ennis** (Barnsley, East and Mexborough) (Lab): Will the Minister join me in congratulating the South Yorkshire Investment Fund, under the leadership of chief executive Mr. Tony Goulbourn, on investing in some 469 South Yorkshire businesses over the past few years? Does he agree that the fund is making a big difference in promoting entrepreneurship in South Yorkshire?

Mr. McFadden: I very much agree with my hon. Friend. It sounds like the fund is doing a very good job, serving as another example of how we can get finance to small businesses during difficult economic times and help them to make the investments that are so vital for our economic future.

Mr. Charles Kennedy (Ross, Skye and Lochaber) (LD): Following on from the earlier exchanges on fair access to higher and tertiary education, do the Government accept that the cause of fairer access was hardly helped this autumn by the difficulties that the Student Loans Company ran into? Members from all parties in the House have been pressing for a proper inquiry arising therefrom. Can the Minister say what steps will be taken to ensure that students do not encounter the monumental backlogs that were experienced in England particularly, but which had knock-on effects elsewhere, not least in Scotland?

The Minister for Higher Education and Intellectual Property (Mr. David Lammy): Well, for reasons known only to him, the right hon. Gentleman will have missed the fact that there is indeed an inquiry, which is being led by Sir Deian Hopkin, the former vice-chancellor of South Bank university. I have said that I am sorry for what has happened, and so has the chief executive of the Student Loans Company. We did that in the House a few weeks ago, so I hope that the right hon. Gentleman can have a look at *Hansard.*

Mr. David Drew (Stroud) (Lab/Co-op): May I put on record the fact that I concur with the hon. Member for Forest of Dean (Mr. Harper) on the National Star college? May I also reinforce the point made earlier in Business, Innovation and Skills questions, in the exchange on the statutory code of practice for the grocery trade, about how important it is that the code should be reinforced by the introduction of an ombudsman? I hope that the Government will take that decision as a matter of urgency.

Kevin Brennan: The establishment of an ombudsman raises a number of complex issues. Obviously we will weigh up a number of factors—including possible costs or savings being passed on to consumers, the potential for a better deal for suppliers and the regulatory burdens on business—before we take our final decision.

Mr. Rob Wilson (Reading, East) (Con): Students in my constituency are concerned by both the scope and the format of the fees review that was announced this week. Can the Minister tell me what steps he is taking both to ensure that the student voice will be properly heard and to assure students and parents in my constituency that the review is not simply an exercise for putting up student fees?

Mr. Lammy: I can indeed assure the hon. Gentleman, because he will have seen that one of the seven panel members is a former chair of the British Youth Council. Let me also assure his constituents that the Government are committed to a 50 per cent. participation rate and refer them to the statements of the hon. Member for Twickenham (Dr. Cable). We believe that the issue is important and should not be downgraded in any manifesto, so let me also refer the hon. Gentleman's constituents to the statements ma[illegible]is leader.

Fiona Mactaggart (Slough) (Lab): I have just come from a meeting with a group of former employees of a company called Dot2Dot, which ran a shuttle service between Heathrow and the local hotels. The company was sold by National Express Group and it has been passed through a series of owners. Its employees are not being paid their redundancy and holiday pay, or getting their legal entitlements. Will the Minister agree to meet me and other Members who represent former Dot2Dot employees, to ensure that they get their rights?

Mr. McFadden: I will happily accede to my hon. Friend's request for a meeting. As I have said—I was quoted earlier by my hon. Friend the Member for Ellesmere Port and Neston (Andrew Miller)—we do not want to see the recession and these difficult economic times used as an excuse to deny people the employment rights to which they are entitled. I will happily meet my hon. Friend to discuss this issue.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): In the coming weeks, many of my constituents will be using mail order companies and the internet to buy Christmas presents that are not locally obtainable in the isles. They will find, however, that mail order companies will either not deliver to island communities or do so only at an exceptionally high surcharge. Will the Government take this problem seriously, and take action to ensure that there is a meaningful universal service for parcels, which we do not have at the moment?

Mr. McFadden: Competition in the parcels industry has been far more developed than in the letters business for many years. This is a competitive market, and there is a lot of competition within it. My regret is that, in this area of future growth for Royal Mail—probably in contrast to the letters business—the recent industrial disputes could drive customers away from Royal Mail. It would be a great shame if that happened. I hope to see Royal Mail compete in this market, because it is genuinely the future growth area for mail.

Mr. Mark Todd (South Derbyshire) (Lab): Has the Minister heard the same representations that I have heard concerning companies that believe that European regulatory steps could impede their ability to hedge on their currency—a vital activity for export-oriented businesses? South Derbyshire is dominated by just those kinds of companies.

Mr. McFadden: I have not received specific representations on that issue. However, if my hon. Friend wishes to speak to me about it further, I will happily look into it for him.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): May I raise with the Minister the subject of further education and the National Star college? The college provides some of the finest residential training anywhere in the world, and it has worked extremely hard to raise £2 million of its own money, which will be in jeopardy if it cannot access funding from the Government. It has also worked very hard at the Minister's behest to take 15 per cent. off the cost of the project. Will he redouble his efforts to see whether he can find that funding?

Kevin Brennan: I am happy to join the hon. Gentleman in paying tribute to the work of the National Star college, and I undertake to carry on my efforts to look into this matter. This particular proposal is part of the huge investment in further education that has covered more than 700 projects in 330 colleges in the past few years, at a cost of £2.7 billion.

Mr. David Anderson (Blaydon) (Lab): When will the Minister's Department own up to its responsibilities in relation to people with pleural plaques who have been denied compensation? Will he agree to work with other Ministers and Members of the House to ensure that we repeal the Law Lords' decision of two years ago and give those people the money that they are entitled to?

Mr. McFadden: I understand the strength of feeling in the House on this issue, but I believe that the Ministry of Justice is the lead Department on this matter.

Angela Watkinson (Upminster) (Con): What assistance can the Government's enterprise champion offer to people starting up new businesses, such as my constituent, Pam Randall, who has been told that she might have to wait up to nine months to register for VAT? Will the Minister have a discussion with Her Majesty's Revenue and Customs, to try to make HMRC more businesslike?

Mr. McFadden: We of course want to do everything we can to help people to start up businesses, and it is important to encourage young people into enterprise. We try to do that through a number of means, and we want the process to be quick and easy in this country, so that entrepreneurship can flourish and grow.

First Capital Connect

11.35 am

Anne Main (St. Albans) (Con) *(Urgent Question)*: To ask the Minister of State, Department for Transport if he will make a statement on the deterioration in passenger services on the First Capital Connect route, including the route that passes through St. Albans into London.

Thank you, Mr. Speaker, for allowing me to ask this urgent question, particularly on behalf of passengers in my constituency who have had an absolutely miserable journey to work this morning.

The Parliamentary Under-Secretary of State for Transport (Chris Mole): The action by drivers on First Capital Connect appears to be co-ordinated, and given that talks are continuing, it is highly regrettable. Passengers are being seriously inconvenienced and we urge all parties to resolve this unacceptable situation as soon as possible. Concerted action to stop trains running is irresponsible, but train companies need to ensure that their staffing arrangements are robust, so that they cannot be held to ransom in this way. The franchise agreement with First Capital Connect requires the company to use reasonable endeavours to run a full service. We are reviewing the position on a daily basis, but the disruption should be halted immediately by an end to the current concerted action.

Anne Main: I thank the Minister for that answer; I noticed his reference to "robust" arrangements. Will he tell me whether First Capital Connect is in breach of its franchise by introducing today a new timetable with a 50 per cent. reduction in services? Was he aware that First Capital Connect was planning to introduce that new 50 per cent. timetable, which is causing absolute chaos? What engagement has he had with First Capital Connect in the lead-up to its introduction? For the sake of my constituents and other commuters, will he step in and meet First Capital Connect to bring this matter to a closure as a matter of urgency?

Chris Mole: As I said in my response to the hon. Lady's urgent question, the franchise agreement with First Capital Connect requires the company to use reasonable endeavours to run a full service. As I said, we are monitoring that situation daily. The change to the timetable requires agreement, which has been given on a day-by-day basis. First Capital Connect is being asked to justify the level of reduction in service that it is asking for in that reduced timetable on a day-by-day basis. I can assure the hon. Lady that officials from the Department for Transport have engaged with First Capital Connect on a regular basis, and the Secretary of State met the managing director this morning.

Mrs. Theresa Villiers (Chipping Barnet) (Con): As well as today's massive disruption to Thameslink services, the same concerted action by drivers caused all First Capital Connect's Great Northern line services to be cancelled on Sunday. Does the Minister share my anger that drivers chose to disrupt services on a day when many, including my own constituents, would have wished to use the train to attend Remembrance day events? Does he agree that it is really not credible that the unions are not tacitly giving encouragement to drivers who are causing this disruption, and that they are acting in a deeply irresponsible way in using passenger misery as a bargaining chip in pay negotiations?

In the dying days of the last Labour Government, the unions brought this country to a halt. With more strike threats looming as the rain falls down on stranded passengers standing on grossly overcrowded platforms waiting for cancelled trains, what is the Minister doing to stand up to the unions and stop them winding back the clock to the 1970s and bringing our railways to a grinding halt?

Chris Mole: It was, of course, deeply regrettable that services were disrupted on Sunday when, as we know, a number of people wanted to travel in order to pay their respects on Remembrance day. I have to say that the questions raised by the hon. Lady are essentially matters for the company. We have a franchise system in which we place trust in the companies to deliver the service that we franchise to them. It is for them to get on with the discussions and negotiations with their employees to ensure that this matter is resolved as rapidly as possible.

Norman Baker (Lewes) (LD): The Minister will share my dismay at the grotesque disruption caused to passengers from Brighton to Bedford and elsewhere on the network. The Secretary of State took strong action against London Midland in relation to events that occurred in September, and I welcomed the written statement about that. Can the Minister tell us what action, if any, he intends to take against First Capital Connect, and if the answer is "None", will he tell us what is the difference between those two events?

Will the Minister provide Members with an analysis by the train operating company showing what percentage of train services depend on voluntary shift working, which has been the cause of massive disruption and cancellations today? Is it not rather worrying that so many trains are dependent on that? Will he also urge the rail union ASLEF to call off the threat of a strike on which it is to hold a ballot whose result will be known on 9 December? Will he suggest that both sides sit down with ACAS, and with the Department for Transport if appropriate? If, as he suggested at the beginning of his statement, industrial action is indeed co-ordinated—I think that that was the word he used—by the rail union ASLEF, is that legal without a ballot?

Chris Mole: I asserted in my statement that the action appeared to be co-ordinated by employees, and I will not go beyond that assertion today.

The hon. Gentleman asked whether the position on the use of voluntary and shift working was the same as that in other train companies. We are currently trying to determine the extent to which that arrangement is a problem, but it is clear that it is not universal, although it has been inherited by some franchises from former British Rail regions. We will continue to monitor the situation closely in order to be able to answer some of the questions that the hon. Gentleman has posed.

Patrick Hall (Bedford) (Lab): Does my hon. Friend agree that, whatever the merits of a dispute and whatever the issues involved—including the issue, which has been raised today, of whether a company should rely on overtime to run basic services—punishing the passengers is never the answer, and is never acceptable? Will he make it clear that the Government will consider the wider issues involving how the company operates, and how the union is dealing with these matters?

Chris Mole: I assure my hon. Friend that the Government's clear view is that it is not appropriate to disadvantage passengers in that way, whatever the merits of any disagreement between any group of employees and the management. I also assure him that we will continue to look into the degree to which the company was prepared for this situation, and will consider whether that suggests that it needs to take further action to prevent such events from happening again.

Mr. Oliver Heald (North-East Hertfordshire) (Con): The Minister will appreciate that my constituents, who use the neighbouring line run by First Capital Connect running to King's Lynn and Peterborough, will want to know whether there is a risk of the action spreading. We have had Great Northern and we have had Thameslink. Does the Minister feel that he can reassure my constituents that there will not be a rolling series of disputes that goes on and on and damages my constituents as well?

Chris Mole: As has been made clear, the action is currently unofficial, and we have no intelligence that suggests that it is likely to spread.

Kelvin Hopkins (Luton, North) (Lab): As a daily user of First Capital Connect services, I have a personal interest in the situation—particularly today, because train cancellations caused me to miss Question Time. Last year First Capital Connect was given the *Evening Standard* award for the company that combined the worst service with the biggest profits. May I ask my hon. Friend to intervene with the company, and suggest that it solve the problem by spending more of its profits on drivers?

Chris Mole: The question of remuneration is obviously part of the package that the management need to consider in their relationships with their employees. It must be said that before the start of this series of incidents the actual performance on the line had improved significantly, and was relatively good.

Andrew Selous (South-West Bedfordshire) (Con): My constituents endured similar problems with London Midland earlier in the year. Does the Minister not agree that at the heart of the problem is the fact that railway companies are relying on drivers with shift patterns involving four-day weeks? Will he ensure that when he awards franchise agreements in future, the staffing arrangements are robust and do not rely on goodwill and overtime for the provision of a proper seven-days-a-week service?

Chris Mole: The hon. Gentleman makes a good point. One of the challenges for us in the management of franchises is that the starting arrangements can be one thing, but arrangements can change over time. We will need to consider that in the letting of future franchises, and ensure that arrangements that companies put forward as robust, and able to deliver what they commit to in the franchise, remain so.

Mr. Andrew Dismore (Hendon) (Lab): Does my hon. Friend share the bemusement of commuters from my constituency who use Mill Hill and Hendon stations at the fact that their daily travel to work can be disrupted because of a shift pattern whereby voluntary overtime is the main way of supplying a weekday commuter service? Does he agree that that is not acceptable and has to be dealt with? Does he also agree that if industrial action has to take place, it should take place with proper notice given to employers and travellers alike, irrespective of the merits of the dispute?

Chris Mole: My hon. Friend has gone to the heart of the question. The shift patterns are clearly a big part of the problem, but we expect the businesses to have the freedom to manage the franchises within the outputs that we expect them to deliver. Whether the shift patterns need to be changed is essentially a matter for the companies, but we will have to discuss it further with them. My hon. Friend made a point about unexpected changes to the timetable. Those are clearly more disruptive to passengers than anything else, which is why, when there needs to be a change to the timetable, we have to agree it with the company. As I said in my original answer, we intend to ensure that we get back to a full pattern of operation as soon as possible.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): My constituents will be as grateful to my hon. Friend the Member for St. Albans (Anne Main) as her own will be for bringing the Minister before the House today to answer these questions. My constituents have been flooding me with e-mails complaining about not only cancellations, but short trains, overcrowding and poor communication by the company. Many of them are spending more than £3,000 a year on season tickets and they want to know whether they will get any reimbursement for the failure to deliver the services for which they have paid. They also want to know from the Minister, who says that these actions appear to be co-ordinated, whether such actions are, thus, outside the law. Does that mean that the company can take action against the unions, or do the Government propose to do so?

Chris Mole: The right hon. Gentleman will, no doubt, already have welcomed the investment that the Government intend to make in the Thameslink service over the coming years: some £5.5 billion of investment will be made to improve trains, stations and frequency of service to meet the capacity on one of our busiest railway lines. I am sure that he will want to support that. Reimbursement is a matter for the company—as, indeed, is judging whether the co-ordinated action is anything more than just that.

Mr. Geoffrey Robinson (Coventry, North-West) (Lab): I note the Minister's strictures about drivers, but will he also bear in mind the fact that the company involved has a terrible record? Therefore, will he—or one of his ministerial colleagues—stand ready to intervene personally if it fails to get an agreement with the drivers and others in the very near future?

Chris Mole: I thank my hon. Friend for his interest. I repeat the encouragement to all parties to seek a negotiated settlement that will allow the railway to resume its full

[Chris Mole]

pattern of operation as quickly as possible. On his second question, we will of course stand ready to intervene as a matter of last resort, if necessary.

Mr. James Clappison (Hertsmere) (Con): The Minister says that he is going to monitor the situation. As another regular user of this line, may I assure him that he will not have to monitor it for very long to see the misery that it is causing to my constituents in Radlett, Borehamwood, Elstree and Potters Bar, who pay substantial amounts of money and feel that their interests have been completely overlooked by both the company and the union, and for whom the word "Connect" is a misnomer? Will he tell us exactly what he is going to do to bring this intolerable situation to an end?

Chris Mole: I remind the hon. Gentleman that we have a privatised railway in which the franchises are let by the Government, and that within the period of the operation of the franchise we expect the companies to use their best endeavours to ensure that the service is delivered. Beyond that, it is not appropriate for us to intervene directly unless the situation gets significantly worse.

Alistair Burt (North-East Bedfordshire) (Con): My constituents and I use both the First Capital Connect lines: the Great Northern and the Thameslink. Indeed, my constituents who were using Sandy, Biggleswade and Arlesey stations last week to go to remembrance events could not get there. As the Minister is given at least 24 hours' notice of changes in timetables, can he tell us whether there is any suggestion that there will be further disruption on the Great Northern line? Will he ask the company whether it will extend the courtesy of saying what the timetable changes will be to Members of Parliament so that we can give some comfort to passengers, as we will know at the same time as the Minister?

Chris Mole: I thank the hon. Gentleman for his constructive intervention. The whole purpose of the notice arrangement is to ensure that we can get that advance information to passengers when the timetable has to change for such reasons. He makes a reasonable point about alerting Members of Parliament, and we will seek to ensure that that happens.

Mr. Philip Hollobone (Kettering) (Con): Rail travellers from Kettering will be affected by this disruption, not least because many of the Thameslink refugees will seek to use midland main line services. Will the Ministers speak with those who run the midland main line to see how capacity and service slots might be improved to absorb this flow?

Chris Mole: The hon. Gentleman is a tad optimistic if he thinks that franchises can turn additional capacity on and off quite as quickly as that. Perhaps he would be more prepared to welcome the announcement that I made earlier in the year that the midland main line would have some additional capacity running in from Watford to relieve congestion on some of those trains.

Mr. Peter Bone (Wellingborough) (Con): My constituents use those services. For the sake of balance in this debate, can the Minister tell us how many Labour MPs are sponsored by ASLEF?

Chris Mole: I am not in a position to give the hon. Gentleman that information.

Mr. Graham Stuart (Beverley and Holderness) (Con): Further to the question asked by my hon. Friend the Member for Wellingborough (Mr. Bone), will the Minister explain to the House how the public can feel that the Government are an honest broker between the unions and the companies in this outrageous situation, especially when I notice that in just six years there have been 81 donations by ASLEF to the Conservative party—sorry, I mean the Labour party—*[Interruption.]* Sadly, not to the Conservative party. They totalled £359,554.01. Is it not true that this Labour Government have been bought and paid for by the unions, are no longer honest and cannot be trusted?

Chris Mole: I can assure the hon. Gentleman that Ministers in this Government take their responsibilities seriously and impartially, and would not be influenced by any such factors.

Mr. Andrew Pelling (Croydon, Central) (Ind): Will the Minister take a constructive initiative on this issue? East Croydon commuters cannot use their First Capital Connect tickets on Southern railways. Will he talk to First Capital Connect, if there are issues to do with compensation to Southern, so that we can find an easy way to increase capacity in that way?

Chris Mole: As I said, we are in continuous dialogue with First Capital Connect. As I told the hon. Member for Kettering (Mr. Hollobone), there are no easy ways to turn additional services on and off.

Points of Order

11.53 am

Mr. Graham Allen (Nottingham, North) (Lab): On a point of order, Mr. Speaker. So far, 53 Members of Parliament of all parties have signed early-day motion 2250, calling for Sir Ian Kennedy to carry out his duties

> "in line with natural justice",

and for our pay rates to be set independently of MPs and Government. That has been deliberately misrepresented and misreported this morning and signatories have been targeted, presumably to intimidate MPs who have the temerity to express a view contrary to the agenda of *The Daily Telegraph*. Is this attempt to curtail discussion and chill MPs in breach of privilege, and should I write to you accordingly?

Mr. Speaker: I am grateful to the hon. Gentleman for his observations. I think that he knows that that is not a point of order for the Chair, but what he has said is clearly on the record. If he wishes to raise a privilege complaint, he should indeed write to me.

Mr. Graham Stuart (Beverley and Holderness) (Con): On a point of order, Mr. Speaker. On 2 July I wrote to the Financial Secretary on the subject of Mr. Richard Summersgill in his role as director of both the child benefit office and the tax credit office—two sites 130 miles apart. I wrote to the Financial Secretary because I found Mr. Summersgill difficult to contact. I am not aware of either an e-mail address or a telephone number through which I can contact him, although my staff have made repeated efforts to do so. I wrote to the Minister about contact in July, and at one stage got members of my staff to ring the Minister's office daily, before I received an apology three weeks ago. I was told that this had slipped through the net, and promised that I would receive a response from HMRC the following week. Three weeks later, after months of effort, I am still none the wiser.

Mr. Speaker: I am grateful to the hon. Gentleman for his point of order. I fear that again it does not constitute a point of order but rather a point of legitimate and understandable frustration. The hon. Gentleman's point essentially focuses on delay and inaccessibility, and it is a point that is often made by right hon. and hon. Members. He has underlined it very clearly, and the people about whom he is complaining will have heard what he has to say.

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): Further to that point of order, Mr. Speaker. Happily, I am not responsible for this particular delay, but as I am in my place on the Front Bench, I promise that I will get further details from the hon. Member for Beverley and Holderness (Mr. Stuart) and will follow his point up with the appropriate Treasury Minister.

Mr. Speaker: I think that the House will agree that that is a very helpful response to the point of order.

Mr. Gordon Prentice (Pendle) (Lab): On a point of order, Mr. Speaker. I have in my hands 30 closely typed pages of freedom of information requests going back to 2005 that have not been properly addressed by the Information Commissioner, including one from me that goes back more than one and a half years. What remedy do Members of Parliament have in this situation? Can we bring the Information Commissioner to the Bar of the House and ask him to explain these grotesque delays, which go back almost five years?

Mr. Speaker: I have no responsibility for the matter. It might be a matter of considerable sadness that I have no responsibility for it, but that nevertheless is the position. I suspect that the hon. Gentleman has underlined not only a personal concern but a concern that will be more widely shared throughout the House. As an immensely assiduous and perspicacious parliamentarian, he should use all the parliamentary avenues open to him. I sense, perhaps, an application for an Adjournment debate coming on.

Mr. Christopher Chope (Christchurch) (Con): On a point of order, Mr. Speaker. Can you confirm that it was widely anticipated that there would be a motion before the House before Prorogation to approve the appointment of Sir Ian Kennedy as the chairman of the Independent Parliamentary Standards Authority? The fact that that has not appeared on the Order Paper is a matter of great concern. We cannot raise it with the Leader of the House, because she has cancelled business questions for today. What can be done to ensure that that very important appointment is approved—or rather, put before Members of the House of Commons for approval—as soon as possible?

Mr. Speaker: Of course we do not have business questions on a Prorogation day. The tabling of motions is a matter for the Government, not for me, and I can only say to the hon. Gentleman that anticipation is not a matter for me either.

Alistair Burt (North-East Bedfordshire) (Con): Further to the point of order raised by my hon. Friend the Member for Beverley and Holderness (Mr. Stuart), Mr. Speaker. Can I advise the House that Richard Summersgill is a serial offender? I had the same problem a couple of years ago, which was cured by my tabling a written question asking about his salary and bonuses. I got a phone call within three days.

Mr. Speaker: The hon. Gentleman's observations will have been noted by the House—and, I suspect, by the person about whom he is complaining.

Andrew Rosindell (Romford) (Con): On a point of order, Mr. Speaker. I regret the need to raise yet again the issue of Armistice day yesterday. Last year, on 12 November, I raised a point of order about the failure of the House authorities to fly the flag of our country from all flagpoles on the parliamentary estate. Following my point of order last year, Speaker Martin wrote to me on 28 January saying:

> "I have asked the Director General of Facilities to set out to the Administration Committee the present arrangements for flag flying and to put to the Committee proposals to extend the days on which flags are flown to include 11 November, whether or not the House is sitting."

[Andrew Rosindell]

Yesterday, the flag was not flown. Will you, Mr. Speaker, investigate this matter and ensure that this breach of protocol does not happen again next year?

Mr. Speaker: Yes, I will investigate it. When I have done so, I will get back to the hon. Gentleman. I hope that that provides him with some satisfaction.

Coroners and Justice Bill

Consideration of Lords message

Schedule 1

DUTY OR POWER TO SUSPEND OR RESUME INVESTIGATIONS

12 noon

Mr. Dominic Grieve (Beaconsfield) (Con): I beg to move amendment (a) to Lords amendment 1B.

Mr. Speaker: With this, it will be convenient to take the Government motion to agree with Lords amendment 1B.

Mr. Grieve: When this matter was last before the House, there was an extensive debate about whether the Bill contained sufficient safeguards in respect of converting an inquest process, which would be open and with a jury, into an inquiry process, part of which might have to take place in secret to allow intercept evidence to be used. There has been a lengthy debate while the matter has gone through the House, but the Secretary of State and Lord Chancellor knows that there was widespread unease about the provisions, and the vote that was eventually held was extremely close.

At the outset, I want to say that I am grateful that the Secretary of State took on board the concerns that were being expressed. When the matter went back to the other place, he tabled an amendment that, although far from perfect, went a long way towards solving the problem that was causing concern. The amendment proposed that the Lord Chief Justice must indicate to the Lord Chancellor his approval for moving to an inquiry following the appointment of the judge who is to carry it out. My noble Friends in the other place took the view that the correct position was to abstain on the subsequent vote.

I shall outline the potential problems with that amendment. First, as the Secretary of State knows, the view that I have expressed consistently and which I have discussed with him is that, in an ideal world, it would be better if the process by which one moved from an inquest to an inquiry were subject to full judicial scrutiny. In addition, I believe that the Secretary of State should have to apply to the court for approval, as that would allow full scrutiny to take place. That has not happened, but I do not think that there is much point in going over old ground as to why. I spent part of yesterday evening looking for a way to get around the problem, such as tabling a provision that would enable a full application process to take place, but the advice that I received was that that would be impossible at this late stage of the Bill.

Mr. Andrew Dismore (Hendon) (Lab): The hon. and learned Gentleman has come up with an interesting formulation, but does he agree that there are no safeguards on the face of the Bill? Last time, the debate was focused almost entirely on the question of intercept. Would it not have been better to include a provision in the Bill that secret inquiries could be held only when intercept was the only matter at issue?

Mr. Grieve: The hon. Gentleman makes a powerful and important point. Given the problems, it could be that intercept might be the only possible trigger for such an inquiry, but I take his point. When I look back on the Bill's passage through the House, there have been difficulties in focusing on the key ways to resolve this issue. As I have told the Secretary of State, I have always had some sympathy for the Government's difficulty in this regard. We have at times been in danger of saying that we will never have anything other than an open inquest, but that would be to miss the Government's difficulty, especially in light of the Chilcot report

Mr. David Heath (Somerton and Frome) (LD): The hon. Member for Hendon (Mr. Dismore) has raised a good point, but the beauty of the amendment that we are considering is that the Lord Chief Justice would be in a position to say that he would accept a transfer only when intercept evidence was involved.

Mr. Grieve: The hon. Gentleman has anticipated me by a few sentences, and I shall deal with that point in a moment.

David Davis (Haltemprice and Howden) (Con): I wonder whether my hon. and learned Friend can give me an assurance about what would happen in the event of a Conservative Government taking office after the next election. At some point, the Chilcot inquiry will produce a proposal to allow intercept to be used in court. If it transpires that intercept is the only issue that causes the Government to require a secret inquiry of some sort or another, will he give me an undertaking that we would change the law to remove unnecessary secret inquiries?

Mr. Grieve: My right hon. Friend and I have worked on this together, and he knows that the Opposition have long been consistent in our desire to see intercept evidence being available to prosecute prisoners and in other settings, including inquests. That remains our commitment, and that is why my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) sits on the Chilcot committee. I cannot predict what the outcome of that committee will be, but the Conservative party will retain its commitment to try and bring this desirable end about.

It is unfortunate in the extreme if people who could be prosecuted are not prosecuted because intercept evidence cannot be used. Equally, it is extremely unfortunate if intercept evidence that could help to clarify matters in an inquest cannot be used for the same reason. Therefore, I can give my right hon. Friend the Member for Haltemprice and Howden (David Davis) the assurance that our commitment in that regard remains as strong as ever, but obviously we will have to listen to what the Chilcot committee says.

Mr. Oliver Heald (North-East Hertfordshire) (Con): Will my hon. and learned Friend explain, in light of his amendment, the grounds on which the Lord Chief Justice would exercise his discretion to indicate approval or not? The Bill does not seem to contain anything solid that might tell the Lord Chief Justice how to approach that.

Mr. Grieve: My hon. Friend is right, and that is the next point that I want to address.

The Government came up with their amendment in the other place, but my hon. Friend the Member for North-East Hertfordshire (Mr. Heald) is right that it proposes a full judicial scrutiny process, with a Minister making an application to a court in a hearing at which interested parties can make representations. I would have preferred that. As I said earlier, if I had had the opportunity to table an amendment to that effect yesterday evening, I would have done so, but I must accept that it is now impossible procedurally to achieve that desirable end. Indeed, that is what the Secretary of State told me, and I do not think that he was trying to pull the wool over my eyes.

Essentially, amendment 1B is a fall-back position, and my hon. Friend the Member for North-East Hertfordshire is right that it raises questions. It seems to me that, in effect, it asks the Lord Chief Justice to take an administrative rather than a judicial decision—based, I suppose, on his independence and sagacity—because the Lord Chancellor has to get his agreement to a transfer from inquest to inquiry.

In the other place, Lord Mackay of Clashfern raised that concern specifically. He said:

> "I assume—I hope this is correct—that the Government consulted the Lord Chief Justice when they put forward this proposal, so that he knows about it and is willing to undertake this extremely important judgment at the stage when it is supposed to be made."—[*Official Report, House of Lords*, 11 November 2009; Vol. 714, c. 830.]

He also pointed out that if the Lord Chief Justice were to decline to move from inquest to inquiry it would be, he assumed, the end of the matter.

In reply, Lord Bach made it clear that the Lord Chief Justice was aware of the proposal and—I infer—has not expressed the view that he could not undertake that role. At the same time, it is also clear that he would have the final say in the matter. Quite a lot of the debate in the other place was taken up with Lord Bach seeking to provide reassurance to the noble Lords that the procedure being proposed genuinely involved giving the Lord Chief Justice an effective veto over whether the shift would take place.

For the reasons that I have already given, I hope that we are not putting on the Lord Chief Justice a burden that we should not place on him. I have a residual anxiety about that. Secondly, I had anxieties when the proposal went to the other place that the wording was such that the Government amendment could be construed as amounting to no more than an ability to say, "You can't have such a judge", and that another name would be put up automatically rather than giving the Lord Chief Justice a genuine veto over the process. Such was the extent of my anxiety that while the proposal was in the other place, I sought at the last minute to change the wording from "that judge" to "a judge". The Government's response was that that was not necessary. A series of assurances were given during the debate, which I am sure that the Secretary of State will repeat, to the effect that what was intended was a genuine judicial lock through the Lord Chief Justice.

I repeat that I am grateful that the Secretary of State has listened. Notwithstanding that, however, I hope that he will not take it amiss that I have tabled a further amendment. The reason for doing so was that if the

[Mr. Grieve]

Government's intention is correct and their drafting is right, the further amendment cannot be regarded as anything other than affirming their amendment—it is innocuous in intention; it will not wreck or damage the Government's proposal; and it will not cause the Government any further problem.

Our amendment (a) makes it clear that the approval is not just about the start of the judicial process for the inquiry and the appointment of the judge, but that the Lord Chief Justice also has to indicate approval for the Lord Chancellor to request the coroner to suspend the investigation. As the hon. Member for Somerton and Frome (Mr. Heath) rightly said a moment ago, that provides slightly wider discretion in the consideration of what the issues might be and—to pick up the point made by the hon. Member for Hendon (Mr. Dismore)—ensures that the grounds on which we move from inquest to inquiry are very narrow.

I am sorry that the amendment was tabled at such a late stage, but we are in this place to do our job right to the end. For the reasons that I have set out, I think the amendment is a real improvement that I hope the Government can accept.

Mr. Heald: Does my hon. and learned Friend think that the consequence of his amendment (a) would be that more information will have to be provided to the Lord Chief Justice than otherwise? Clearly, in deciding the identity and approving the judge, one set of criteria would be important—namely, that the appointment is suitable—but whether the suspension should occur is a slightly wider question. Does my hon. and learned Friend think his proposal would affect the material on which the decision would be made?

12.15 pm

Mr. Grieve: Again, my hon. Friend has made a good point. One of the deficiencies of the system that the Government have decided to adopt—although at this late stage, it is the best that we shall get—is that the nature of the communications that would take place between the Lord Chancellor and the Lord Chief Justice is not clear. Lord Bach tried to set out something of the procedure, but it is clear that to a degree it would be marked by exchange of letters and, possibly, a meeting. He made it clear that the exchange of letters is unlikely subsequently to be made public, which is something that I have to accept in view of the system that has been set up. It thus puts a considerable burden on the Lord Chief Justice. However, mindful of the fact that I have been given a very clear indication that he is willing to take that burden on board, I think that to provide the public with some degree of reassurance that the process will not be hijacked by politicians, we have to accept that it is the best we can get.

I agree with my hon. Friend on a move to a much more formalised application system. Indeed, were I ever to succeed in the private Member's Bill ballot, that might be a fertile measure to bring forward, particularly in view of the Secretary of State's agreement that such a system would be a more desirable way to proceed. On the face of it, the proposal appears to command approval across the House, which is the first precondition for getting a private Member's Bill on to the statute book. My hon. Friend has made a very important point.

The proposal is not perfect—at the end of the day there is no perfection in any of these things—and I sympathise with the Government, because I recognise that they have a real and not a manufactured problem. I am sorry that we have reached this stage of the Bill without doing better, but at this stage I believe that the Government amendment, which was offered and passed in the other place, is a considerable improvement. I further believe that my amendment to that amendment is just an additional safeguard and reassurance. For that reason, I very much hope that the Secretary of State will accept it. We could then finish the Bill on a note of consensus, which we have frequently striven to achieve.

Mr. Heath: I am a little surprised to be called ahead of the Lord Chancellor, but I am grateful for the opportunity to say a few words.

At this stage of a Bill, it worries me that expediency and pragmatism often take over from principle and legal accuracy, and we end up with statutes that are often a process of negotiation rather than what any party to the negotiation would like in the Bill. I am concerned that that is precisely what is happening with this Bill. Later we shall reach a point where the Government, having marched their troops to the top of the hill, will proceed to march them down again—yet again, which I regret. However, despite the fact that in a moment I shall be supporting the hon. and learned Member for Beaconsfield (Mr. Grieve) to indicate that I think that, at least in this House, he is doing something valuable, I have to say that I regret entirely the fact that after a very close vote in this House on the key issue, on the basis of the words in lieu moved by the hon. Member for Hendon (Mr. Dismore), the hon. and learned Gentleman's colleagues in the other place felt that they could contribute nothing whatsoever to the debate. Indeed, Lord Henley said:

> "For us, to oppose it at this stage or to support it would not be the right way".—[*Official Report, House of Lords,* 11 November 2009; Vol. 714, c. 829.]

What sort of loyal Opposition cannot even decide whether they support or oppose a key part of a Bill on which there was a close Division in this Chamber?

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): As the hon. Gentleman is pleading—improbably—the consistency of the Liberal Democrat party, can he explain how last week in the other place, Baroness Miller managed to get through a comprehensive set of proposals that would have allowed intercept evidence to be adduced in coroners' inquests? That was far more significant than the amendment proposed by my hon. Friend the Member for Hendon (Mr. Dismore). In the event, that amendment would have been of little significance although it would have made for defective legislation. The Liberal Democrats marched their troops up the hill in the other place to get those proposals through, yet in this place they sat on their hands and by doing so agreed to the Government's position, and that of the Opposition, that the amendments were barking mad and should not go through. Can he explain that inconsistency?

Mr. Heath: To say that we sat on our hands when we supported in a very close Division the proposals of the hon. Member for Hendon seems a most extraordinary position for the Lord Chancellor to take, but rather than pursue an utterly sterile argument—

Mr. Straw: Well, you raised it.

Mr. Heath: And I am perfectly happy to continue to raise it, except that it is not the matter before us today, but if we had secured a majority in the House that we so nearly secured in support of the proposal of the hon. Member for Hendon, I would have considered that a satisfactory outcome. If we had succeeded in having the support of the Conservative party in another place for the amendments that my noble Friend tabled yesterday, we might have had a more satisfactory outcome. Neither circumstance applied because of the pragmatism and expediency that so often characterises the latter stages of a Bill.

Mr. Grieve: I do not wish to get involved in a spat with the hon. Gentleman, but when we debated the matter on the last occasion, I could not have made clearer my reservations about the amendments that we were to vote on. I made it clear that the reason why we would support those amendments was that we wanted to prolong the debate to try to resolve the issue, although I recognise that those amendments raised as many questions as they solved.

Mr. Heath: Very well, let us accept what the hon. and learned Gentleman has said, and let us move on to the substance of the current proposal. I do not think that Lords amendment 1B quite counts as Government plan B—it is probably plan C or D at this stage—but it is the alternative formulation that was presented to another place. Notwithstanding my reservations about the whole process, we must consider the proposal's merits. It will introduce a lock of sorts, but it is a very deficient lock, as it will provide only one circumstance in which the Lord Chief Justice can intervene, which is in the choice of the judge who will officiate. That lock seems inadequate, because it does not allow for the circumstances in which the Executive have chosen to put this matter into the hands of a secret inquiry to be considered by the judiciary. If that route were followed, like the hon. and learned Gentleman, I would prefer a proper process of application. That is not what is proposed, but nor is it proposed that the Lord Chief Justice will have at his disposal any of the reasoning behind the transfer in any case. His decision will be based simply on, as was described earlier, an administrative matter of whom the officiating judicial official should be.

Mr. Heald: Does the hon. Gentleman think that there will be a full lock in the sense that the Lord Chief Justice could continue to refuse to accept the appointment of any judge—in effect, refusing one after another—thus dealing with the point made by my hon. and learned Friend the Member for Beaconsfield (Mr. Grieve)?

Mr. Speaker: Order. The hon. Member for Somerton and Frome (Mr. Heath) has been extremely brief so far in his remarks—this is in no way a criticism—but I am conscious that some Back-Bench Members want not merely to intervene but perhaps to make speeches, if there is time. We have until 1 o'clock to consider this matter. The Lord Chancellor's views will be sought shortly, and I hope that Front-Bench Members can bear in mind that consideration.

Mr. Heath: I certainly will, Mr. Speaker. I often accept interventions in order to allow colleagues to get their points on record.

Let me be very brief in response to the hon. Gentleman's intervention. Hypothetically, what he suggests is possible. *[Interruption]* The Lord Chancellor says from a sedentary position that it is what would happen, but it is a very unsatisfactory position. If the Lord Chief Justice objects in principle to the transfer, to do so by means of effectively vetoing the judge proposed as the supervising judge does not seem a satisfactory mechanism. That is why the hon. and learned Gentleman's proposal is a good one, because it would provide not entirely for an application to the Lord Chief Justice, but at least for an explanation to be made to him. In effect, the Lord Chief Justice would be given residuary power to intervene, if he believed that the Executive were abusing their position. The key issue is whether it is right for the Executive to determine that matters in respect of a death of a person as the result of the agents of the Executive should be heard not in a coroner's court but in an inquiry system held in secret. We must not forget that basic principle while considering the complexities of process.

The hon. and learned Gentleman's proposal would at least provide an additional safeguard. That is why I will support it today, and I hope that the Lord Chancellor will accept amendment (a) to finish the job. The proposals have been developed quite rapidly. I note that Lord Bach said that the Lord Chancellor was on the phone or communicating in some way with the Lord Chief Justice yesterday morning before the debate in another place. I hope that the Lord Chancellor will accept amendment (a), that it will be passed by the House and that it will be accepted by his colleagues in the other place, and therefore no further time need be lost.

Mr. Straw: I will attempt to be as brief as I can, Mr. Speaker, because other hon. Members want to take part not only in this debate but in the following one.

I am grateful to the hon. and learned Member for Beaconsfield (Mr. Grieve) for what he said about trying to adopt a constructive approach—I am at risk of complimenting him—and I accept that he has tried to do so, too. Most hon. Members accepted that we had a problem that had to be dealt with, and I assumed from the fact that the Liberal Democrats agreed with every other party in the House that they in this House also accepted that we had a problem that could not be dealt with by a normal inquest with a jury; otherwise, they would have voted for Baroness Miller's amendments, but they did not—they agreed to them, as did the rest of the House. It is very important that no myths are developed.

On the hon. and learned Gentleman's central point, yes, in my judgment as well as his, it would have been better if we could have developed a bespoke process by which the Secretary of State had to make an initial decision and go to court to get approval for it. There would have been hearings by both parties. Not only is that my position, but I developed it and it appeared in clause 11—this has been a bit like a frustration dream in which we think that we have an answer, but someone comes up with another objection—and I thought that that squared the circle. The objection, which I understand, was that that would compromise the integrity of inquests and therefore that we should go down the inquiry route. Frankly, it would not be possible in the context of the Inquiries Act 2005 to deliver in the same time the same kind of bespoke process.

[Mr. Straw]

The hon. Member for Somerton and Frome (Mr. Heath) might, however, wish to take note of the fact that there are two ways—one is inherent in the administration of justice, the second is embedded in the Bill—in which the courts will be able to have what amounts to the final say over the Secretary of State's decision to make use of an inquiry under the 2005 Act for the purpose of an investigation into a death that requires an article 2 complaint investigation.

The first way is by judicial review. The Secretary of State's decision would be judicially reviewable. We have discussed that before under clause 11. It would not be as satisfactory as if we had a bespoke process whereby the Secretary of State had to go to court, but judicial review is widely used and would be available. During a judicial review, the Secretary of State would have to show the administrative court why he or she thought it necessary to exercise his or her discretion to go down the inquiry route, rather than the accepted and normal route of an inquest with a jury. I am happy to put that on the record, so that it can be used in any future judicial review. I understand the suspicions—of course I do—and I have made it clear that I am no more comfortable with the principle than are others. The fact of the matter is that the whole system, including the Secretary of State, is doing its very best to lean over backwards to ensure that a normal inquest with a jury is held in every possible circumstance. That was why one was held in the de Menezes case, notwithstanding the earlier concerns that it might not be possible to do so.

12.30 pm

The second safeguard is what has been written into the Bill. I hope that the hon. and learned Gentleman will not mind me disclosing the fact that, when we discussed the matter on Monday, he proposed an amendment that would have required the consent of the Lord Chief Justice. I accepted its purpose. I asked for it to be put in a proper form, and it duly was. That comes down to exactly the same point. It was put before the other place, and agreed there, that the third limb of the trigger sub-paragraph should be that the Lord Chief Justice must indicate

"approval to the Lord Chancellor, for the purposes of this paragraph, of the appointment of that judge."

I ask the hon. and learned Gentleman not to press amendment (a) to a Division, and point out that the amendment is unnecessary. I say this in the politest possible way: we would be wasting the time of this House and the other place if he pressed it to a Division and it was agreed to. His purpose is entirely covered by proposed new sub-paragraph (1)(c).

I was asked whether I had consulted the Lord Chief Justice on the subject; I have done so. It is a very important part of the relationship between the Lord Chancellor and the senior judiciary that further details are not given; it is for the Lord Chancellor to speak for himself. However, I have consulted the Lord Chief Justice, and it would have been extraordinary if I had not done so.

Let me help the hon. Member for North-East Hertfordshire (Mr. Heald). Proposed new sub-paragraph (1)(c) says

"the appointment of that judge".

In the context of this debate, that means any judge. I have to go to the Lord Chief Justice on quite a regular basis to suggest the appointment of judges for particular purposes, sometimes judicial, sometimes quasi-judicial. If he disapproves of the purpose, he simply says, "You can't have this judge and, Lord Chancellor, you can't have any judge," and that is the end of the matter. The Lord Chief Justice has a complete and absolute veto in that regard, and that is how I want it to be.

Chris Huhne (Eastleigh) (LD): It would be useful if the Lord Chancellor put on record what I understood him to say earlier from a sedentary position—that the Lord Chief Justice could go on exercising that veto, should he so desire.

Mr. Straw: I am happy to put that on the record. The Lord Chief Justice could, and would, go on exercising that veto. In the real world, the way it works is that he would say, "Lord Chancellor, I do not accept that this is a proper purpose for a High Court judge, so I won't nominate anybody." If he says that, that is the end of the matter; I need to make that absolutely clear.

I plead with the hon. and learned Gentleman not to press his amendment, because if we agree to amendment (a), the matter would go to the other place, where another amendment would be passed, but that frankly detains the House and the other place quite unnecessarily. Proposed sub-paragraph (1)(c) in amendment 1B, moved by the noble Lord Bach in the other place, says that the Lord Chief Justice—*[Interruption.]* Might I have the attention of the hon. and learned Gentleman? The sub-paragraph says:

"the Lord Chief Justice has indicated approval to the Lord Chancellor, for the purposes of this paragraph, of the appointment of that judge."

The paragraph in question is paragraph 3 of schedule 1. The paragraph is about suspensions pending inquiry under the 2005 Act. The hon. and learned Gentleman's point is covered by the drafting in that paragraph, so there is absolutely a belt-and-braces approach.

In the other place, my noble Friend Lord Bach referred to the fact that I intended to consult the Lord Chief Justice on the promulgation of a protocol about the exercise of discretion—the Lord Chancellor's discretion to ask for a judge, and the Lord Chief Justice's discretion to agree, or otherwise, to the appointment of a judge. It might also be appropriate for such a protocol to consider the circumstances in which the Home Secretary or Defence Secretary of the day would wish to trigger an inquiry in the first place.

I should like to put on record a point relating to an issue that has not been discussed at any length in this place. Under the 2005 Act, there is provision for a Secretary of State, having appointed an inquiry, to issue directions to it, once it is running. That is because certain inquiries of a quasi-judicial nature may—without going into any detail—get out of hand, take too long, spend too much money, and end up not producing a product, and directions could be needed. An inquiry under the Bill would be not a quasi-judicial inquiry, but a judicial inquiry. I therefore accept that the issue of directions by the Secretary of State, after an appointment has been made and an inquiry established, would be inappropriate. It would be interference in a judicial process. I am happy to put that on the record. The Lord

Chief Justice would, in any case, wish to take those matters into account when coming to a decision on whether to appoint a particular judge, or any other judge.

Mr. Grieve: I am grateful to the Secretary of State for having put on the record so clearly the issues surrounding the protocol and the protections that he intends to put in the Bill, but he may agree that amendment (a) does no harm. Its merit is that it focuses on the issue of the suspension of the coroner's inquiry. For that reason, I again press him to agree that there is a really good reason for agreeing to the amendment. It provides reassurance that the Lord Chief Justice will consider the full panoply of issues, and not just one discrete area. I make that point notwithstanding what I accept of the argument with which the Secretary of State is trying to reassure the House.

Mr. Straw: We all agree that the Lord Chief Justice, when deciding whether to appoint a particular judge, any other judge or no judge, will want to take into account whether he is satisfied that the normal inquest should be suspended. How else could he make a decision? My plea to the House is to bear in mind that there is no substantive difference between the two sides of the Chamber on the issue. We would waste time if amendment (a) were agreed to, because the matter would have to go to the other place and come back again. The hon. and learned Gentleman's point is covered by amendment 1B, with which we agree—let me just make that clear. There is no point in legislating unnecessarily. That amendment already says:

> "has indicated approval to the Lord Chancellor, for the purposes of this paragraph".

The purposes of that paragraph—paragraph 3 to schedule 1—is as clear as a pikestaff, because its heading is "Suspension pending inquiry under Inquiries Act 2005".

I think that I have made my point. I urge the hon. and learned Gentleman to recognise that I have given him 100 per cent. reassurance about the purpose of paragraph 3. I hope that we can make the rest of this debate very short, and get on to the next issue.

Mr. Heald: The Secretary of State for Justice and Lord Chancellor has made a strong case for his view that the Lords amendment already goes far enough, but I am sorry to tell him that I still have doubts about that. The crucial thing about a coroner is that he is an independent judge who investigates and decides who a person was, whether they died, and if they did, why they died, or what they died of. That role goes back in our history to a time when this country was very troubled, and important people felt that they might be able to take the law into their own hands. It has been an important protection for our people, going back centuries.

It is clear from schedule 1 that we suspend coroners' investigations only in rare and important circumstances. If somebody is charged with murder, the coroner's investigation will be suspended so that there can be a fair criminal trial. There are also other limited circumstances in which that would happen. It has been a principle for a very long time that one does not suspend a coroner's investigation except in very important circumstances. We are facing threats of terrorism, which can lead to deaths, and a war in Afghanistan, which can lead to deaths, and sometimes the circumstances of those deaths may be of embarrassment to the Government and to the powers that be. From the very beginning, therefore, the worry with the Bill has been that in those circumstances, there might be a desire for a secret process that is not as open as a coroner's inquest. It is therefore good that we have been able to debate the issue over a period to try to reach the point where a coroner's investigation cannot be stopped by ministerial fiat.

That concern has boiled down to the situation before us, where it is accepted that there might be an inquiry—rather than an inquest—and, therefore, a suspension, whereby the investigation might need to be taken in private. The only example that I can think of is when something like intercept evidence is involved, and I think that the hon. Member for Hendon (Mr. Dismore) takes the same view.

That brings us to the amendments. The lock, which the Lord Chancellor has proposed, is that it would be for the Lord Chancellor to decide whether to suspend the inquest and have an inquiry; a senior judge would then be appointed as chairman of the inquiry; but the Lord Chief Justice would be able to indicate that he did not want to approve the appointment of that judge. As the Justice Secretary and Lord Chancellor has said, that could mean any judge, but the solution that my hon. and learned Friend the Member for Beaconsfield (Mr. Grieve) suggests in amendment (a) is a far less cumbersome mechanism. Proposed new paragraph 1(1)(d) of schedule 1 would make it clear from the outset that the Lord Chief Justice had to give approval not just to the appointment of that judge, but to the suspension of the inquest. That is a different question.

Mr. Straw: I have said this about 15 times, but the Lord Chief Justice would not appoint that judge or any judge unless he were satisfied about the case for suspending the inquest. Why would he? He would have an absolute right to a veto under the amendment already agreed to in the other place.

Mr. Heald: The Lord Chancellor and I may have to disagree on that point, but I believe that the decision about whether to suspend the inquest is different from the decision about whether to appoint a judge. The Lord Chancellor might take the view that the suspension is proper and the Lord Chief Justice might not agree, but he might none the less agree to the appointment of the judge if he feels that that is a broadly acceptable decision.

Mr. Straw: This issue is really important, because Lords amendment 1B would amend paragraph 3(1) of schedule 1 so that it stated:

> "Subject to sub-paragraph (2), a senior coroner must suspend an investigation under this Part of this Act into a person's death if—
>
> (b) a senior judge has been appointed under that Act"—

the Inquiries Act 2005—

> "as chairman of the inquiry."

The senior judge could not be appointed unless the Lord Chief Justice had consented. He would have an absolute lock on that, under the Lords amendment, and I promise the hon. Gentleman that that is the case.

Mr. Heald: I do not disagree with that, but what is the material on which the Lord Chief Justice will make his decision, and what will be the grounds for it? If he has to decide whether to appoint a judge to an inquiry, his view about the criteria, the material that he wants to see and so on may be different from his view if he has to second-guess and decide whether to suspend an inquest. They are not the same question. The Lord Chancellor assures me that they are the same question and all the same thing, but it does not say that anywhere. The criteria for the Lord Chief Justice to make his decision about the appointment of the judge are not set down anywhere, but the extra lock, which my hon. and learned Friend proposes, makes the matter absolutely clear.

Amendment (a) says that the Lord Chief Justice would have to approve not only the appointment of the judge, but the investigation's suspension. They are different questions, but that amendment would cover them completely and mean that, in future, an unsatisfactory decision could not be made.

12.45 pm

Mr. Dismore: My main concern throughout this long-running debate, going right back to the counter-terrorism legislation, has been whether we will have an article 2-compliant process. I am still not entirely convinced—even with the Lords amendment and, indeed, amendment (a) from the Opposition Front-Bench team—that we will end up with an article 2-compliant process. However, I shall not go into that in more detail, because we have debated it at great length.

My first point, which I put to the hon. and learned Member for Beaconsfield (Mr. Grieve) in my intervention, is about the lack of a trigger mechanism. It would be very helpful if my right hon. Friend the Justice Secretary said that the only circumstance in which he can envisage the power being used is if an intercept question has to be resolved. That would go a long way to providing satisfaction.

The real issue is about the lack of safeguards, and, if I compare the original proposals for civil inquests with today's proposals on judicial oversight, I am not sure that we have moved a great deal further on. My right hon. Friend says that the decision to request that a coroner suspend an inquest would be subject to judicial review, but that is a narrow test—certainly narrower than the Opposition's proposal for, effectively, the suspension's approval by the Lord Chief Justice.

I follow my right hon. Friend's argument about whether proposed new paragraph 1(1)(c) of schedule 1 cross-refers with the original process, but my main concern is that we could end up in limbo: on the one hand, the Lord Chancellor would say, "We want a secret inquest"; and on the other, the Lord Chief Justice would say, "You can't have a judge for it". We would be left in limbo, because there would be no way of resolving that issue. The beauty of the proposal from the hon. and learned Member for Beaconsfield, however, is that it would resolve the issue, by stating that the inquest could not be suspended unless the Lord Chief Justice had approved the decision. That would represent a much broader test than the judicial review test, because the Lord Chief Justice would be able to look at all the evidence—including the secret evidence that might not be admissible in a judicial review application.

Mr. Straw: The point is that the situation would arise only when a view was taken that there could not be an article 2-compliant inquest with a jury, because of the existence of information that could not go before a jury for reasons that we have all discussed, such as the Regulation of Investigatory Powers Act 2000. There might be other circumstances in which the issue of seeking an inquiry under the Inquiries Act 2005 will arise, although, to provide a qualified assurance, I cannot completely anticipate them. The effect of the hon. and learned Gentleman's amendment (a) would be no different from the effect of the Lords amendment. I have already explained why amendment (a) is not necessary.

Mr. Dismore: I am not sure that that is right. Can my right hon. Friend absolutely assure us that if the Lord Chief Justice turns down a judge, the secret inquiry will not take place and the inquest will? If he can, that will go a long way to resolving the issue.

Mr. Straw: There will have to be an inquest. If the request is turned down and there is, therefore, no suspension, the inquest will continue in any event. There is a separate issue about whether that inquest would then be article 2-compliant, which sort of begs the original question. Of course, if the Lord Chief Justice says, "I'm not giving you a judge," paragraph 1, as amended already, means that there will not be a suspension of the inquest—full stop. There cannot be.

Mr. Dismore: Well, that is my concern, because I am not entirely convinced that the wording under the Lords amendment would achieve that. We would end up in limbo: on the one hand, the Lord Chancellor would say, "Secret inquiry"; on the other hand, the Lord Chief Justice would say, "You can't have a judge." We would end up exactly where we are with the Azelle Rodney case—four years on and no inquiry into it.

My right hon. Friend knows that when we last debated the issue, he won the Division by eight votes. It was probably closer than he thinks, however, because several people said to me afterwards, "We went into the wrong Lobby by mistake." That demonstrates the strength of feeling on the Labour Benches. There is nothing to be lost in accepting the Opposition's formulation, because it would strengthen the wording and achieve, beyond peradventure, what my right hon. Friend says he wants to achieve through the Lords amendment.

Mr. Denis MacShane (Rotherham) (Lab): I am broadly in the same camp as my hon. Friend the Member for Hendon (Mr. Dismore), because I feel that I voted the wrong way on Monday. However, I am a serial loyalist, and sometimes that overwhelms me.

My right hon. Friend the Secretary of State and Lord Chancellor is probably the greatest circle-squarer whom Whitehall has seen in recent years. I tend to follow him, but I remember that when we worked together at the Foreign Office he would come to me and say, "We may be going in this direction, Denis, but it is about-turn time and swallow-humble-pie time, and I am afraid that is the political reality." On this cause, he may not have the votes of the House, so I ask him to consider whether that moment has arrived.

My thinking stems, first, from a fundamental principle that is enshrined in the term habeas corpus. It translates as "produce the body", and it applies as much to the dead as to the living. A core human right is to know how and under what conditions somebody died. If we do not have that right, we do not have full democracy. Families cannot grieve and injustices cannot be put right. That is why the coroners' jury surveillance system is of the most profound democratic importance. I wish there were far more of it in Africa, Latin America and Asia, and I am very reluctant to see any watering-down of it in our own country.

Of course, I fully accept my right hon. Friend's sincerity, but I well recall our great right hon. Friend, Michael Foot, saying in the 1970s that if the freedoms and liberties of Britain had been left in the hands of judges, we would have precious few. He got terrible stick from the learned QC profession about that—the Thomas Leggs and others were out there bashing him about the head—but I actually think he was right. When I hear, "The Executive will talk to a senior judge and, er, that's all right", I am afraid I start to become more and more of a Footite and less and less of a Strawite. These things can happen.

I have some direct experience of the matter, because some 19 years ago I became involved tangentially, through a friend, in the case of eight British fusiliers who were killed by friendly fire in the first Iraq conflict. They were brought home, but they could not be buried until there had been a coroner's inquest, because a person cannot be buried in the UK without the coroner's say-so. We found the most constant lying, deceit, obfuscation, dishonesty and cover-up on the part of the Conservative party, which was in power.

Mr. Andrew Robathan (Blaby) (Con): What? Pathetic.

Mr. MacShane: One of the millionaires on the Opposition Front Bench says, "What?" I will send him my book, and if he can say to me that the letters sent by the Ministry of Defence or the then Prime Minister to the families were acceptable, I will give him even more money to add to his millions.

By using the Freedom of Information Act in the United States and by talking directly to American officers, we got to the truth. We were able to bring to a coroner's court at Oxford an American officer who, under the cloak of anonymity, gave vital evidence that disproved the position of the then Government, and a verdict of unlawful killing was rightly returned. The grieving families of those dead fusiliers felt that they had justice, because no part of the Executive or the judicial system could remove their right to the coroner's court.

I see that I am upsetting the Opposition; good. That does cheer me up. *[Interruption.]* Oh, the millionaire says I am boring them. Prepare to be bored.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. This kind of language is not helping the debate in any way.

Mr. MacShane: Mr. Deputy Speaker, if I am insulted and cat-called from a sedentary position, Members will get as good as they give.

Along with my hon. Friend the Member for Hendon and others, I am worried, if there is a change of Government, about handing to the state and the judiciary new powers that in that case would have denied the right of British citizens to know how their loved ones died. We should therefore resist it, so I say with affection and respect to my right hon. Friend the Secretary of State that I cannot follow him into the Lobby on this proposal.

Mr. Grieve: I am grateful to all the hon. Members who have participated in the debate and to the Secretary of State for the way in which he has responded, but I remain of the view that our amendment is useful. I hate to think that if we did not press it to the vote, I would regret it at a later date in the realisation that it would have helped in the interpretation of a difficult clause. I therefore wish to press it.

Question put, That amendment (a) to Lords amendment 1B be made.

The House divided: Ayes 186, Noes 243.

Division No. 248] **[12.55 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Challen, Colin
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Davey, Mr. Edward
Davies, Mr. Dai
Davies, David T.C.
(Monmouth)
Davies, Philip
Davis, rh David
Dismore, Mr. Andrew
Djanogly, Mr. Jonathan
Drew, Mr. David
Duddridge, James
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Field, rh Mr. Frank
Field, Mr. Mark
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Christopher
Garnier, Mr. Edward
Gauke, Mr. David
Gidley, Sandra
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh
Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Hoey, Kate
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holmes, Paul
Hopkins, Kelvin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jackson, Glenda
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Jones, Lynne
Keetch, Mr. Paul

Kennedy, rh Mr. Charles
Key, Robert
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Mitchell, Mr. Andrew
Mitchell, Mr. Austin
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
Osborne, Mr. George
Ottaway, Richard
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Prentice, Mr. Gordon
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Rosindell, Andrew
Ruffley, Mr. David
Russell, Bob
Scott, Mr. Lee
Selous, Andrew
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Alan
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Watkinson, Angela
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Young, rh Sir George

Tellers for the Ayes:
Michael Fabricant and Jeremy Wright

NOES

Ainger, Nick
Allen, Mr. Graham
Anderson, Mr. David
Atkins, Charlotte
Austin, Mr. Ian
Baird, Vera
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Campbell, Mr. Alan
Cawsey, Mr. Ian
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clarke, rh Mr. Charles
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dobson, rh Frank
Doran, Mr. Frank
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
Gilroy, Linda
Goggins, rh Paul
Goodman, Helen
Griffiths, Nigel
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hope, Phil
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Kaufman, rh Sir Gerald
Keeley, Barbara
Kelly, rh Ruth
Khan, rh Mr. Sadiq
Kidney, Mr. David
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, rh Mr. Pat
McFall, rh John
McIsaac, Shona
McKenna, Rosemary
McNulty, rh Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie

Reid, rh John
Riordan, Mrs. Linda
Robinson, Mr. Geoffrey
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Vis, Dr. Rudi
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony

Tellers for the Noes:
Mark Tami and
Steve McCabe

Question accordingly negatived.

1.9 pm

Proceedings interrupted (Programme Order, 9 November).

The Deputy Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83G).

Lords amendment 1B agreed to.

Resolved,

That this House does not insist on its disagreement with the Lords in their amendments 59, 119, 121, 236 and 239—*(Mr. Straw.)*

Mr. Edward Leigh (Gainsborough) (Con): On a point of order, Mr. Deputy Speaker. It would be useful if the Secretary of State could make a statement on the fact that the Government appear to have run up the white flag on Lord Waddington's amendment. This is a great victory for free speech, and we should know more about it.

Mr. Deputy Speaker: The hon. Gentleman is an experienced Member and he knows that that was not a point of order.

Mike Penning (Hemel Hempstead) (Con): On a point of order, Mr. Deputy Speaker. I have given you prior notice of this point of order. On 14 May 1977, Captain Robert Nairac of 3 Company, 1st Battalion Grenadier Guards, was captured by the IRA on operations in Northern Ireland. Yesterday, the press reported that someone has been arrested for his murder. The officer is still technically missing in action, and I wonder whether a Minister will come to the House and explain what is happening and what information can be given to his family and regiment.

Mr. Deputy Speaker: While I appreciate that that is a matter of enduring and deep concern, I am afraid that the Chair has no means of requiring a Minister to come to the House on that matter; nor has the Chair had any notice that that might happen. The hon. Gentleman has made his point and there may be an opportunity before long for more to be said on that subject.

POLICING AND CRIME BILL (PROGRAMME) (NO.3)

Motion made, and Question put forthwith (Standing Order No. 83A(7)).

That the following provisions shall apply to the Policing and Crime Bill for the purpose of supplementing the Orders of 19 January and 19 May 2009 (Policing and Crime Bill (Programme) and Policing and Crime Bill (Programme) (No. 2)):

Consideration of Lords Amendments

1. Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion two hours after their commencement at this day's sitting.

Subsequent stages

2. Any further Message from the Lords may be considered forthwith without any Question being put.

3. The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—*(Mr. Hanson.)*

Question agreed to.

Policing and Crime Bill

Consideration of Lords amendments

After Clause 7

AUTHORISATIONS OF COVERT HUMAN INTELLIGENCE SOURCES: CONDITIONS

1.12 pm

The Minister for Policing, Crime and Counter-Terrorism (Mr. David Hanson): I beg to move, That this House agrees with Lords amendment 1.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to take Lords amendments 2 to 5.

Mr. Hanson: This new clause is related to provisions already in the Bill in clauses 6, 7 and 8. All the clauses are intended to facilitate the work of police collaborative units to ensure that where two or more police forces reach collaboration agreements in respect of the Regulation of Investigatory Powers Act 2000, the fact that investigative teams may comprise officers from different forces will not cause any operational problems. Amendments 2 to 5 are minor and technical amendments that authorise conduct likely to take place in Scotland under section 46 of the Act. I hope that the House will concur with the Lords in these amendments.

Mr. David Ruffley (Bury St. Edmunds) (Con): Clauses 6, 7 and 9 make certain procedural amendments to the Police Act 1997 and the Regulation of Investigatory Powers Act 2000 in order to streamline the authorisation process for matters such as surveillance and, in particular, covert human intelligence sources or CHISs. Where collaboration is necessary, amendments to the RIPA authorisation are required. The Government anticipate greater collaboration between police forces, two or more, in which they enter into agreements to deliver better policing and—one hopes—some efficiencies. We are strong supporters of such arrangements and we therefore support Lords amendment 1.

Subject to certain conditions being satisfied, authorisation by one collaborating force for such surveillance activities or use of CHISs could be extended to members of another collaborating force, removing the need for duplicate authorisations to be issued by both collaborating forces. We supported this in Committee and we are pleased to do so again today.

Paul Holmes (Chesterfield) (LD): I agree with the points that have just been made. These are very straightforward technical arrangements to facilitate co-operation between two forces working across force boundaries so that they can have a controller from one force area and a handler from another force area, if that is relevant to an operation in progress. We support these amendments.

Lords amendment 1 agreed to.

Lords amendments 2 to 5 agreed to.

Clause 13

PAYING FOR SEXUAL SERVICES OF A PROSTITUTE SUBJECTED TO FORCE ETC: ENGLAND AND WALES

The Parliamentary Under-Secretary of State for the Home Department (Mr. Alan Campbell): I beg to move, that this House agrees with Lords amendment 6.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to take Lords amendments 7 to 24, 46 to 51 and 60 to 63.

Mr. Campbell: Amendments 6 to 15 respond to the concerns raised during the debates in this House about the potential scope of clause 13. Broadly, the amendments mean that it will be an offence to pay for sex with someone who has been subject to exploitative conduct of a kind likely to induce or encourage them to provide the sexual services. A person engages in exploitative conduct if he practices any form of deception or uses force, threats—whether or not relating to violence—or any other form of coercion. This recognises that not all forms of coercion involve the use of physical abuse. Amendment 46 responds to concerns raised in this House and in the other place about the need for safeguards in the provisions creating the new rehabilitative orders for those convicted of loitering or soliciting for the purposes of prostitution. The amendment places an upper limit of 72 hours on the period for which someone can be held in police detention after being arrested in pursuance of a warrant following breach of such an order.

Amendments 47 and 48 require a court to be satisfied that before issuing a closure notice the police took reasonable steps to identify any person with an interest in the premises and that they were given a copy of the notice, before a closure order is made.

Amendments 16 to 20, 22 to 23, 60 and 63 change the name of the new category of sex establishment introduced by clause 27 from "sex encounter venue" to "sexual entertainment venue" in response to concerns that the term "sex encounter venue" could inadvertently stigmatise those who work in lap-dancing clubs.

Amendments 21, 24, 61 and 62 are minor and technical amendments that ensure that once premises have been granted a sex establishment licence in order to operate as sexual entertainment venues, they will be deemed to be a sexual entertainment venue for the duration of their licence, irrespective of how frequently relevant entertainment is provided.

Amendments 49 to 51 place a duty on local authorities that have not adopted the lap-dancing provisions within one year of commencement to consult local people to ensure they are given the opportunity to express their views as to whether the provisions should be adopted or not.

I hope that the House will agree the amendments.

Mr. Ruffley: Amendments 6 to 15 are important, and we had a fruitful debate on that subject in Committee. They seek to achieve a better definition of coercion. It will be an offence if an individual engages in exploitative conduct, the definition of which is if someone uses

> "force, threats (whether or not relating to violence) or any other form of coercion, or…practises any form of deception".

That is an improvement on what was in the Bill when it was previously before the House. We accept the Government's main thrust, which is that it is important that we recognise that psychological pressure can be used to coerce someone into prostitution, and that it can have a considerable effect on people who are vulnerable. This is a better form of words than before.

An example of a case affected by the new wording would involve a threat by a pimp or other coercer used to entice someone into prostitution. The person might threaten to report the prostitute or sex worker to the immigration authorities if they were here illegally, or a prostitute or sex worker might be being controlled through a third party by controlled access to a supply of drugs to feed a habit, which would obviously affect an individual in a weak position compared with the person making the threats and seeking to exploit them.

We went around the block many times in Committee on that matter, and we believe that the new wording is an improvement. We will keep the situation under review, as I am sure Ministers will, to ensure that the redefined wording has the intended effect.

Keith Vaz (Leicester, East) (Lab): I wish to speak briefly about the amendments. I welcome what the Government have done. There was concern on Second Reading about the original proposals. As the Minister knows, the Home Affairs Committee looked into human trafficking. One problem, however, is that it is very difficult to find victims prepared to admit that they have been trafficked. My worry on Second Reading, therefore, was about enforcement and putting people in a position that involved them in a strict liability offence.

On considering the matter, I, and the Select Committee, felt that that went beyond the issue of exploitation and into the area of prostitution. Some people choose to be prostitutes as a matter of lifestyle. It is regrettable, but many people are in that position. I, and other Committee members, went to Soho with the Metropolitan police.

Mr. Denis MacShane (Rotherham) (Lab): Good show!

Keith Vaz: Unfortunately, my right hon. Friend was not available; otherwise I am sure that we would have taken him with us.

We engaged some ladies in a conversation about how they got there and what they were doing. They, too, were concerned that this was in some way a reflection on them. While accepting all the points that I know that my right hon. Friend—he is my dear friend, and was my successor as Minister for Europe—will make, the fact remains that we have real concerns about enforcement. The amendments help, but in dealing with enforcement, the Government need to work closely with the Metropolitan police, so that we do not take on an issue wider than was intended in the legislation.

Paul Holmes: As the Minister said, Lords amendments 6 to 10 improve the definition of how we establish that a sex worker has been coerced into that line of work. They use the words "exploitative conduct", which allow for a wider definition that includes things such as deception and threats—for example, the withdrawal of accommodation—rather than the earlier definition, which relied much more on threats of physical violence and others of a similar nature. The definition to be used, therefore, is an improvement, and one that we welcome.

As the Minister knows, we still have concerns about some of the intention behind it and the use of strict liability. Only one country in the world uses the strict liability definition for prosecuting clients of sex workers—Finland—but in the first two and a half years, no prosecutions were brought under that law. From January to June this year—the latest six months of the three years for which the scheme has been running in Finland—there have been two successful prosecutions. Such measures do not have a very good track record, therefore, and magistrates and judges in this country have expressed considerable doubt about achieving prosecutions using that concept. We welcome the improved definition, but we still have considerable reservations about the intention to prosecute on strict liability and its effectiveness.

Lords Amendments 16 to 20, 22, 23, 60 and 63, to which the Minister referred, change the legal definition of a lap-dancing club from "sex encounter venue" to "sexual entertainment venue". That is a step forward. Many young women working in such venues expressed concern that the original definition was prejudicial to what they regarded as a straightforward entertainment process. It was said in the other place that the legal definition and description being applied to lap-dancing clubs was much harsher than that applied to the same process in a film. However, those arguments might have been overdone: for example, watching a scene in the American series "The Sopranos" with lap dancers in the background would be rather different—in style, intensity and content—from being in lap-dancing premises before a naked, or semi-naked, lap dancer, especially as someone can pay for a dance in a private room in which only one person, plus the lap dancer, might be present. That difference marks out the latter from the same process in a film. None the less, "sexual entertainment venue" is an improvement, although perhaps it does not go far enough. As Liberal Democrats said in the other place, we would have preferred a definition such as "adult entertainment venue" rather than "sexual entertainment venue", but the latter is a welcome improvement none the less.

Amendments 47 and 48 introduce a third condition for courts to be satisfied on before accepting a police proposal to close a brothel. Again, there were considerable discussions in Committee in January and February, later on Third Reading and in the other place about the danger of over-emphasising police powers to close brothels, because many sex workers—many of us on the Committee met with many sex workers who visited the House of Commons to lobby and talk to us—were concerned that the over-zealous use of powers to close brothels would present a much greater danger to the safety of sex workers, because it is much safer and more secure to work in a small brothel, involving two or three people working off the streets, than to work on the streets. The amendments are a welcome step forward; they recognise some of the concerns raised over the past year during the Bill's passage through the Commons and the other place.

Finally, under amendments 49 to 51, local authorities that do not adopt the new provisions on regulating lap-dancing clubs must consult local people. That, too, is a welcome step forward, but will the Minister suggest how that consultation will take place? In Chesterfield, for example, we have nine community forums covering the town. Would a consultation through a community

[Paul Holmes]

forum be enough to meet the requirements in the amendments? Having chaired one of those forums years ago, before I became a Member of Parliament, I know well that only a small number of people tend to turn up—the same dedicated group—apart from when there is a controversial issue, whether planning or, in this case, lap dancing. On such occasions, a larger group tends to turn up that is perhaps unrepresentative of the community at large. Exactly what level of consultation would have to take place to meet the requirements in amendments 49 to 51?

Lynda Waltho (Stourbridge) (Lab): I shall discuss amendments 16 to 20, 22, 23, 60 and 63, which deal with lap dancing. Generally, the legislation on this area is welcomed as an important change to lap-dancing licensing. We all know that it is the result of an 18-month campaign led by organisations such as Object and the Fawcett Society, parliamentarians on both sides of the House, equality organisations and residents associations, all of whom were concerned about the unchecked expansion of lap dancing and its impact on women and local communities in general. My interest in the matter was awakened by an application for a lap-dancing club in Stourbridge for a club with 50 private booths to which my constituents could not object despite living two doors away.

The legislation is important because it recognises that lap-dancing clubs are part not of the ordinary leisure industry, but of the sex industry. It is important to recognise that. As such, such establishments have serious implications and risks, not only for the women who perform in them, but for women in wider society, because they promote a sexist culture in which women are treated as sex objects and, I believe, a culture that fuels violence against women.

1.30 pm

Mr. MacShane: I am shocked that my hon. Friend says that there is a lap-dancing club in her constituency proposing to build 50 private booths. We just heard from the hon. Member for Chesterfield (Paul Holmes)—the Lib Dems are now the party of lap-dancing supporters—but 50 private booths? What on earth does she think will happen in them? A discussion of Lib Dem policy?

Lynda Waltho: The question has been the subject of quite a lot of debate in Stourbridge. A stamp-collecting club meets quite close to the lap-dancing club. We wondered whether it might be using the booths for swapping stamps.

The feeling among local residents that I have described led them to think, "This is not the sort of establishment that I want to live by," but they found that they could not object. That is how I started on this road. What is good about the reforms is that they will allow local authorities that wish to do so to apply greater controls on clubs and give local people greater powers to prevent lap-dancing clubs from opening. That is the good bit. However, I am still disappointed—and will remain so until I can be convinced otherwise—that the Government have chosen not to apply the legislation universally across England and Wales, nor to apply it to all lap-dancing events, regardless of the frequency with which they occur in particular venues.

A quick look at the debate on Report demonstrates the great strength of feeling on the issue in all parts of the House. I am concerned that the industry will take advantage of the legislation—I have seen that happen in my constituency and in Durham and Brighton. If there is a loophole, the men who control that area of the sex industry will exploit it. As a result of what is proposed, local authorities will not be obliged to adopt the legislation and can continue, if they wish, to licence lap-dancing clubs like cafés, relying only on the will of the council. Even if there is local opposition, like there was and still is in Stourbridge, local people will not necessarily be guaranteed a greater say in the licensing process unless Dudley, my local authority, takes up the legislation. Local authorities that do not adopt the powers will be vulnerable to challenge by the lap-dancing industry. It is an industry with a great deal of finance, and I believe that some local authorities will cave in to pressure from this strong and serious lobby.

Local authorities will also be prevented from applying greater controls to lap-dancing events if they occur 11 times or less in a particular venue each year. That puts the safety of performers at such venues at serious risk and also duplicates and undermines an existing discretionary power in the Local Government (Miscellaneous Provisions) Act 1982. I referred to an owner of a venue in Committee who welcomed the new legislation, because he felt that he could get all the bars and pubs in Stourbridge to apply for up to 11 events a year and thereby effectively have a mobile lap-dancing club around the area. If Dudley council is not robust and does not pick up the legislation, that could still happen in my constituency.

Paul Holmes: Does the hon. Lady agree with my earlier comment that we need to hear from the Minister exactly how the Government envisage the consultation by those local authorities that do not adopt the legislation taking place? If that consultation consists of an advert in the local paper that nobody responds to, it will be toothless. However, if it is to be a proper consultation, those constituents who are concerned, such as those whom the hon. Lady has discussed, should have ample opportunity to put pressure on their local authority. However, the devil will be in the detail, and it will depend what the legislation requires.

Lynda Waltho: I agree wholeheartedly. In fact, the Lib Dems in Stourbridge have supported my position on the issue and have worked with me all the way along, so I do not necessarily have the same issue with Lib Dem concerns as my right hon. Friend the Member for Rotherham (Mr. MacShane). It is key that the Government's response now should be robust and allow local authorities to consult properly and effectively. The consultation will be a fallacy and a waste of time if it is just an advert in the local paper. We must ensure that those who are affected—the people who live in the streets where such venues are proposed; those who live next door; those who go to nearby colleges; those who have to walk past on the way to stations such as Stourbridge Junction or Stourbridge Town—are consulted. Young women who stay behind to do extra work or extra-curricular activities will have to walk past such venues. Indeed, they have already complained to me at my youth surgeries about catcalls and harassment. We must ensure that we consult everybody at every level; otherwise we will let them down.

I am glad that the Government have responded to the concerns that Members from all parts of the House have voiced by committing to place a statutory duty on local authorities to consult on the adoption of the new powers and introduce an order-making power to allow the Secretary of State to tighten the exemption, if it is found to be exploited. I am happy with that. However, I would have been happier had the provisions been applied across the board, but hey, I am a nice lady and I want to get the legislation through. I am happy with 80 per cent. of what I want, rather than fighting for 100 per cent. and losing. The two measures that the Government have set out address concerns expressed from all parts of the House, but I wish that they had been a bit bolder. The Government need to ensure that the measures are as robust as possible and that they are implemented to their fullest extent.

I felt a lot happier when I read Lord Brett's strong reaction in the debate on the issue in the other place:

> "I commit to bring forward an amendment at Third Reading to address concerns regarding the lack of a statutory duty on local authorities to consult with local people".

He continued:

> "While the Government firmly believe that the exemption for infrequent events is a proportionate measure and should remain…I can reassure noble Lords that should it become clear that it is being exploited in a way that is obviously against the wishes of local people, they will have the power to tighten the exemption or remove it altogether."—[*Official Report, House of Lords*, 5 November 2009; Vol. 714, c. 449-50.]

It is important that we underline that point.

I support the change of name from "sex encounter venue", although I was worried at first. I can go along with the change to "sexual entertainment venue", if the Minister truly believes that that will afford the women who work in them a degree of protection and some status or dignity. Many of the current or previous performers whom I spoke to said that they felt that the term "sexual encounter" almost presumed that all the women in such venues would be available for sexual encounters with whoever visited. I therefore understand their objection and agree with the change of name.

Before I conclude, I want to ask the Minister to confirm that clubs that have previously been granted permission to open, including another club in Stourbridge—Stourbridge appears to be becoming the lap-dancing Mecca of the midlands—will be subject to the legislation in the same way as new clubs. Permission in that case was granted more than a year ago. The club has done nothing about it, but it is now in the process of starting up. The owners believe that they will not be subject to the legislation. I want to make it clear that I believe that they will be, and I would like the Minister to confirm that for me.

In conclusion, the campaign to stop lap-dancing clubs being licensed in the same way as cafés has played an important role in drawing public and Government attention to a deeply disturbing trend in British society: that of women and girls being portrayed as dehumanised sex objects. Lap dancing is just one manifestation of that culture. The United Nations Committee on the Elimination of Discrimination against Women has recognised that a culture of treating women as sex objects fuels violence against women. The UK is a signatory to the UN convention and is in the process of forming a cross-Government strategy on violence against women, so this legislation is an important step towards bringing our policy together in this area. It is crucial, however, that the Government recognise that these reforms to the licensing of lap-dancing clubs represent a good step, but only a first step, towards achieving the much broader goal of ending the sexual objectification—that word is hard to say—of women and, ultimately, violence against women. I urge Ministers to ensure that issues such as lap dancing and the media representation of women are central to the cross-Government strategy to end violence against women once and for all.

John McDonnell (Hayes and Harlington) (Lab): Despite my reservations on strict liability, I also welcome these amendments. The phrase "engaged in exploitative conduct" in the amendment will give greater clarity to the interpretation of the law. I would have preferred it if the legislation could have included a definition of trafficking based on international definitions, but I think that we will revisit that some time in the future.

I welcome the amendments that deal with brothels, but I urge the police, local authorities and others to use clear judgment in the exercise of these powers, as they might well be putting women at risk in exercising them. We have heard how women working in brothels are, at least in some instances, more secure than those working on the streets. In fact, the figures show that women working on the streets are 10 times more vulnerable to attack than women working together in a unit.

I pay tribute to those who have enabled these amendments to be shaped, and who have encouraged a wide and open debate on these issues. I became involved in this issue more than 25 years ago, when I was a member of the Greater London council. At the time, I was involved in working with the English Collective of Prostitutes and dealing with issues around King's Cross. I also hosted the first Safety First Coalition meetings after the Ipswich murders. Those meetings were held in this House. As a result of the Government listening to the debates involving those organisations, we have now arrived at some amelioration of this legislation.

I should like to place on record my tribute to the English Collective of Prostitutes, the Royal College of Nursing, the National Association of Probation Officers, the National Federation of Women's Institutes, the GMB sex workers branch and the Zaccheus Christian trust, all of which were members of the Safety First Coalition, and all of which have briefed Members of Parliament extensively and worked hard to secure these amendments.

I am sure that we shall revisit and review this issue in the years to come, but one issue that is reflected in the amendments is the fact that some women enter into sex work by choice. Whatever people may think about that, some women do—others do not do it through choice, however. I hope that the debate can now move on, so that we can focus more clearly on why women enter sex work other than through choice. The issues include how we tackle poverty and drug dependency, as well as mental illness and the vestiges of the implications of child abuse. Let us now look more thoroughly at the development of Government policy in those areas so that we can tackle the issue of forced prostitution. As I have said, I welcome these amendments, and I am grateful to the Government for listening to the stage of the debate that was encouraged by the coalition.

Mr. MacShane: I wish that I could join my hon. Friend the Member for Hayes and Harlington (John McDonnell) in congratulating the English Collective of Prostitutes, but that organisation has consistently opposed all campaigning efforts to slow down trafficking. Indeed, it was quite violently—I would almost say vulgarly—opposed to the propositions that have come back from the Lords, which are of huge significance.

1.45 pm

The House is empty because this is the last moment before Prorogation, but this is one of the most profound changes in our law that we have adopted in recent years. We are completely altering the whole approach to the abuse and dehumanisation of women. My hon. Friend the Member for Stourbridge (Lynda Waltho) struggled over the word "objectification" and, like her, I have some difficulty in spluttering out that terminology. That is the whole purpose of the sex industry, however. It removes from women their womanhood and turns them into mechanical objects of sexual pleasure who accept a large number of penises every day to satisfy men's desire. This legislation now focuses on men, and it is extremely radical. The House of Lords had a very moving debate on this measure on Tuesday 3 November, and I am astonished that there has been absolutely no coverage of it.

When I raised this matter on "Newsnight", a lady from the English Collective of Prostitutes and Mr. Jeremy Paxman rounded on me and abused me, saying that there were no trafficked women and that there was no problem of any sort. What world are they living in?

John McDonnell *rose—*

Mr. MacShane: I will give way in a moment. You will be glad to know that I am not going to make a long speech, Mr. Deputy Speaker.

Every international body from the International Organisation for Migration to the International Labour Organisation and the United Nations Commission on Human Rights talks of hundreds of thousands of sex slaves being trafficked every year. The idea that Britain does not have its share, given the number of people in prison for trafficking sex slaves, is absurd.

John McDonnell: I am sure that my right hon. Friend would not want to traduce the English Collective of Prostitutes or its engagement in the "Newsnight" debate. I watched that debate, and no one stated that there was no trafficking in this country. It was not only the English Collective of Prostitutes, but other bodies, academic institutions and surveys, that have challenged the original figures that were used in debates in this House, which seemed to have been inflated. The introduction of balance into my right hon. Friend's speech would be extremely helpful.

Mr. MacShane: I am grateful to my hon. Friend for his intervention, but I profoundly disagree with him. That organisation has done a huge disservice to the cause of trafficked women and coerced sex slaves.

I particularly welcome and endorse the points made by my hon. Friend the Member for Stourbridge. I very much hope that my own council, Rotherham metropolitan borough council, will seek to use this legislation—without endless consultation—to listen to the residents of Rotherham who are sick and tired of the ever-increasing presence of these clubs and institutions in which women are turned into dehumanised sex objects for the pleasure of men, whether those men are leering at them, having a discussion about Lib Dem policy in a private booth or doing whatever else might happen in a private booth.

I welcome the fact that my right hon. Friend the Member for Leicester, East (Keith Vaz) went to Soho and could find only contented prostituted women who were happy to discuss their trade with him. Again, however, this simply defies every statistical and academic survey in every country. Those surveys find that a minimum of between 80 and 90 per cent. of prostituted women are desperate to get out of the business. They are in it because of drug dependency or coercion, or because they have been beaten up or raped. We must remove ourselves from this happy hooker, Belle de Jour nonsense. It is absolutely ridiculous to say that prostituted women are in the business simply because they have chosen the profession just as a doctor, a lawyer or a Member of Parliament might—although when we consider the way in which women Members of Parliament are about to be treated under the Kelly proposals, there will soon be fewer and fewer of them.

Keith Vaz: Of course, my right hon. Friend is well travelled around the world, so he will have made his own inquiries, but I have to tell him that when I and other members of the Select Committee went down to meet those prostitutes, they were very contented with what they were doing. Many of them were from eastern Europe, and they had come here because they wanted to earn money. Their only disappointment was that my right hon. Friend was not there with us.

Mr. MacShane: We have here a fundamental difference. I am sorry—I am really trying to make a short speech, but I find myself disagreeing with right hon. and hon. Friends on my own side.

I can imagine almost any profession, business or trade in the world that I would be happy for any of my three daughters to go into, or that I would have been happy for my mother, my partners and other women friends to go into. However, I really cannot accept that accepting a number of penises in one's orifices in order to gratify the pleasures of men is a profession that we should dignify as just another trade that a Select Committee of this House goes and gives an approving pat on the head to. I therefore welcome the radical nature of this legislation and I ask right hon. and hon. Members to read the Lords debate, particularly the speech of His Grace, the Archbishop of York and the speeches of Lady peers.

May I say how much I welcome the change of heart of Conservative Members? I have been campaigning on this issue for a number of years and Conservative colleagues have joined me in the campaign against trafficking, but until quite recently they have rejected the notion that we have to tackle the demand side. That is what this Bill does.

Let me pay tribute to the former Home Secretary, my right hon. Friend the Member for Redditch (Jacqui Smith), to the Leader of the House, to the Solicitor-General and to the Under-Secretary of State for the Home Department, my hon. Friend the Member for Tynemouth

(Mr. Campbell), who is replying to this debate and indeed, to the entire Home Office ministerial team. When some of us started out on this road three or four years ago, it was inconceivable that we could have brought about this change in law.

Let us be clear now from this House—there has been no publicity of any sort; "Newsnight" has not had another discussion; *The Guardian*, which ran a front-page report saying that trafficking was virtually non-existent, has not reported on this—that the House of Lords was right. Men who go into a massage parlour, a brothel or one of these private booths in a lap-dancing establishment and find themselves having sex with a woman who has been trafficked or coerced or obliged to be there under some pressure from the male controllers or male pimps will now find that that is potentially a crime. That man can be arrested and can appear in front of a magistrates' court where he will be named and shamed. Yes, it puts all the responsibility on men.

Only one other country, Sweden, has gone fully down this road, while Finland has gone partially down it. We are the third. I think that this is a huge advance for what I consider to be 21st-century politics, in which women will cease to be dehumanised sex objects for huge amounts of profit. If there is no demand, supply will dry up. If we make a start with Britain, let us take this campaign forward into other countries and make it a worldwide campaign.

The Archbishop of York sits in the other place not far from where William Wilberforce, representing the great city of Hull, once sat. It took him 30 years or more to persuade us to get rid of slavery involving principally black Africans at the time. We are now at the start of the process of outlawing the slavery that dehumanises women and of making trafficking and coercion, prostitution and violence against women to please men something that we can, bit by bit, eliminate. I congratulate Ministers, this House and the House of Lords on passing this radical, dramatic, reforming Bill, of which the entire Houses of Parliament should be very proud indeed.

Mr. Alan Campbell: With the leave of the House, I would like to respond briefly to colleagues' comments. First, I share the view of my right hon. Friend the Member for Rotherham (Mr. MacShane) that this is an important measure, but it has been a learning experience for us all. Even today, we have seen disagreement on some aspects—but, I hope, a broad acceptance of the Bill's importance.

My right hon. Friend the Member for Leicester, East (Keith Vaz) and my hon. Friend the Member for Hayes and Harlington (John McDonnell) focused on clause 13 and our efforts to ensure that we focus on those we set out to help. I believe that the Lords amendments help in that regard.

The hon. Member for Chesterfield (Paul Holmes) asked about consultation. It is, of course, up to local authorities to carry out that consultation; it is not new to them, as they have existing duties to consult in all sorts of ways. We expect the exercise to be meaningful, but if the hon. Gentleman is content, I will look at any guidance that goes out to ensure that the exercise is meaningful.

In response to my hon. Friend the Member for Stourbridge (Lynda Waltho), who asked whether local authorities will need to consult if they do not adopt the legislation, yes they will. We do not expect them to be shy about doing that; they came forward and told us that they wanted these powers. If they do not adopt them, they will still have to consult on them. She also mentioned the Home Secretary's review of temporary event notices—a commitment that we gave during deliberations in this House, which still stands. As to the owners of existing clubs in her constituency who are somehow under the belief that this legislation will not apply to them, let me just reaffirm that it will.

Lords amendment 6 agreed to.

Lords amendments 7 to 24 agreed to.

Clause 27

INCREASE IN PENALTY FOR OFFENCE

Mr. Alan Campbell: I beg to move, That this House agrees with Lords amendment 25.

Mr. Deputy Speaker: With this, it will be convenient to consider Lords amendments 26 to 29, 52 to 59 and 64 to 86.

Mr. Campbell: The Government have made a number of amendments to the alcohol provisions in response to the concerns that were expressed in both this House and the other place. Amendment 25 removes clause 27 because the current maximum fine has never been imposed. We therefore accept that the clause is unnecessary. Amendments 26 and 27 amend clause 31 to allow the police to take a young person home or to a place of safety if they are issued with a direction to leave and the police suspect they are under 16. Safeguarding these vulnerable people is paramount and these amendments offer an important safeguard to protect children without making directions to leave any less effective.

Amendment 29 responds to the concerns of the Local Government Association by allowing members of the licensing authority to act as "interested parties", meaning that they can object to a licence application or initiate a licensing review. Following on, amendments 55 and 59 remove the provisions to allow licensing authorities to impose general licensing conditions, which both local authorities and the licensed trade were very concerned about and are unnecessary in light of amendment 29. Amendments 28, 65, 67 and 69 to 86 are simply consequential to amendments 55 and 59.

Amendments 52 to 54, 56 to 58, 64, 66 and 68 all ensure that the mandatory conditions work as intended by allowing other bodies to exercise some discretion in their implementation, ensuring that the conditions in individual licences are updated if the mandatory conditions are updated, and take account of the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009, which has come into force since the Bill was introduced. I invite the House to accept the amendments.

James Brokenshire (Hornchurch) (Con): We are obviously pleased that the Government have listened to a number of points made in Committee and during the course of the Bill's passage. I was very pleased to note that the Minister accepted that the need for clause 27 was questionable on the basis, as he said, that no one had

[James Brokenshire]

actually received the current £500 fine up to now. As the British Retail Consortium put it in its briefing note on this clause:

> "no person since 2004 has been given a fine of more than £250 meaning that the current fine of £500 has never been used. We do not understand the logic of altering at this time."

It is perhaps not too surprising that the Government have now rethought their approach and having put the measure in have, on reflection, decided to take it out. However, in doing so the Minister needs to clarify whether the intent is in any way to move more down the summary justice route for this offence—the "policing by parking ticket" approach or conditional caution culture that has been talked about so much in recent weeks and months.

One of the rationales behind increasing the fine, as we understood it in the context of how the debate was articulated, was to send out a strong message about the seriousness of the offences, but the corollary of reversing this change should not, in our judgment, be seen as any suggestion that this offence should not be taken seriously. Will the Minister comment on whether this issue is at the forefront of his mind and whether his Department anticipates issuing any further guidance or indication as to the way in which these sorts of offences should be dealt with?

Lords amendments 26 and 27, which relate to clause 31, are an improvement on what we had before, but we still question whether the most appropriate way in which to deal with a child who represents a risk of disorder is simply requiring that child to leave. I welcome the fact that a constable using the power contained in section 27 of the Violent Crime Reduction Act 2006 may remove a young person whom he or she suspects to be under 16 to a place of safety or a place where that person resides, but the key word is "may".

2 pm

This is, of course, connected with the issue of discretion. The Minister will doubtless seek to rely on amended guidance to address the dispersal of those under 16, and on the police's duty under section 11 of the Children Act 2004 to have regard to safeguarding and promoting the welfare of children in carrying out their functions. Nevertheless, it is difficult to see how moving on a 10, 11 or 12-year-old who is at risk of causing disorder can be the most appropriate course of action. Surely at the very least there should be a presumption that a teenager falling within the ambit of those provisions should be taken home, or to a safe place. If a child is at risk of offending, that should be flagged up to ensure that the offending does not subsequently occur. We should be talking about prevention, and about the need to address the risk by more concerted action than simply moving the problem to a different location.

I understand the point that was made about large groups of teenagers. Perhaps it is in that context that the Government seek to extend the power to deal with those under the age of 16. However, the amended power needs to be used with great care. The well-being and welfare of young children—let me put it that way—must be at the forefront of what we are trying to achieve. Our aim must be to prevent them from offending and to ensure that their own safety is not put at risk in any way.

Lords amendment 29, which would insert a new clause after clause 32, concerns interested parties. In Committee, we discussed the absurdity of the current position. Local councillors seem to be unable to issue objections to licensing applications in their own areas if they live outside a restricted zone containing the licensed premises. I think that ensuring that the interests of local communities in respect of the licensing laws are properly reflected is a move in the right direction, but in our view that is only a start. Much more fundamental reform of the licensing laws is required to rebalance the provisions in favour of local communities and local authorities.

We look forward to continuing the debate on more effective use of licensing powers to control the excesses of alcohol in communities and to start to deal with the abuses that binge drinking has brought, and continues to bring, to many of our neighbourhoods and communities throughout the country.

Keith Vaz: It is most pleasing to see Government and Opposition working together to try to strengthen proposed legislation before it becomes law, rather than passing legislation before reflecting on it and wanting to change some of it, which is what we have done over the past 10 years in respect of the so-called 24-hour drinking culture.

I commend the hon. Member for Hornchurch (James Brokenshire) for what he said about alcohol abuse. The Government have rightly ensured that penalties will be tougher and that there will be stronger provisions to deal with alcohol abuse, which remains a key issue for local communities. As he told us, 50 per cent. of crime in this country is in some way alcohol-related. Any hon. Member who represents a town or city will be aware of the disorder that occurs on Friday and Saturday nights as a result of alcohol abuse, for it is there for all to see.

Police budgets are relevant to the problem. The Minister for Policing, Crime and Counter-Terrorism, who is on the Front Bench today, will appear before the Home Affairs Committee to talk about police numbers on, I believe, 24 November. If we are to ensure that resources are properly directed so that the police can do their job, we must also ensure that we do not put in the way obstacles such as the availability of alcohol. So much police time is taken up by dealing with violence in city centres on Friday and Saturday evenings.

I welcome what the Government have done in the amendments. I think that the toughening of the penalties is extremely appropriate. I also welcome what the Opposition have done. I have only one caveat. The Select Committee has consistently pressed the Government on the issue of a floor price for alcohol, which we believe would deal with the problem of the availability of cheap alcohol in supermarkets. There is no point in tabling amendments, proposing legislation affecting licensed premises and urging local authorities to act in a particular way when supermarkets are allowed to sell alcohol as a loss leader. People are pre-loaded—tanked up—before they go out on Friday and Saturday nights, and everything that follows is due to their ability to buy cheap alcohol at supermarkets.

Of course we welcome what the Government are doing. It is right for them to be tough in this area of policy, and it is right that the Opposition should be with them on that. I must say to them, however, that there are ways in which we can move forward. We can reduce the cost of policing, and we can ensure that local communities can have a peaceful time at weekends.

Mike Penning (Hemel Hempstead) (Con): I agree with all that has been said by hon. Members on both sides of the House. Alcohol is a major problem in this country, particularly among our young people. Fifty per cent. of crime is linked to alcohol abuse. It also affects public health. We discussed that when we debated the Health Bill, and I have raised it in the House on several occasions.

I am keen for the legislation to be beefed up, but what worried me during our proceedings on the Health Bill was the statement by the Minister of State, Department of Health, the hon. Member for Lincoln (Gillian Merron) that the proxy purchase legislation was not enforceable. We were trying to introduce a similar law relating to the proxy purchase of cigarettes, and when I raised the issue in Committee, and again on Report, the Minister responded by saying that it was not enforceable. However, legislation on proxy purchase is on the statute book today.

It is important for us not only to restrict young people's ability to purchase alcohol in licensed premises, but to ensure that no one who is of age can do so either as a friend or for profit. If the Minister cannot respond fully today, I ask him to think about the issue. It strikes me as ludicrous that we have proxy purchase legislation on the statute book when a Minister from another Department has said that such legislation is not enforceable. We are rightly beefing up this legislation today, but we ought to beef up the provisions that would prevent young people from gaining access to alcohol because someone who looks 18, or has proved himself to be 18, has proxy-purchased it for them.

Paul Holmes: The right hon. Member for Leicester, East (Keith Vaz), the Chairman of the Home Affairs Committee, observed that it was good to see constructive engagement between Government and Opposition. Over the past year I have probably seen more give and take, with the Government listening to suggestions and adopting them, than I have seen in the case of most other Bills with which I have been involved during my eight years in the House. Inevitably, many of our proposals in Committee last February were turned down, but, as is so often the case, were then accepted in the other place. There has been more acceptance of Opposition points made today during what has been a constructive debate, despite the interventions of the right hon. Member for Rotherham (Mr. MacShane), who, unfortunately, is no longer present.

Lords amendment 25 will remove the provision that increases the maximum fine for drinking in a public place from £500 to £2,500. As a number of hon. Members have pointed out, and as I pointed out in Committee in February, that is fairly pointless. Given that the maximum £500 penalty has never been imposed, what is the point of increasing it by 500 per cent.? Making criminal policy by means of macho newspaper headlines is rather counter-productive. It was a welcome step forward that the Government accepted that and dropped the proposal.

Amendments 26 and 27 deal with under-16s found drinking in a public place. Initially, the legislation said that they could be dispersed. It is good that the Government accept the amendments, which say that in such circumstances a police constable should not just disperse children under 16, but should look to take them to their residence or some other place of safety.

Mike Penning: I want to say something on behalf of those of us who have the honour and privilege of patrolling with the police, particularly on Friday and Saturday nights. I have been with them when they have patrolled certain areas in my constituency where orders have been made, and we have picked up children of this age and taken them home. In some cases, the parents were appalled and very worried for their child and thanked the police, but I hate to have to say that on many occasions the police were berated by the parents for bringing their children home. That is the issue we have to address. This legislation will not address the big problem, which is parenthood, not policing.

Paul Holmes: The hon. Gentleman's comments bring me on to the point that I was about to make. I recommend that the Minister and his colleagues also look to take more proactive action. Let me give the example of something I witnessed when on patrol in Chesterfield with Derbyshire police this summer. On one evening, I went out in the van that undertakes what the police there call the Be Safe programme. They adopted it as an experiment for the school summer holidays, but it was so successful that they have now extended it into the autumn and intend to make it more permanent.

We were called by some residents just before 9 o'clock at night. A group of young and obviously drunk teenagers was shouting and urinating in the street. Instead of just moving them on or taking them straight home, which is what the police would normally have done, because they were part of the Be Safe programme they took the teenagers to a Derbyshire county council youth services building, where youth workers and a police constable were in attendance. The youth workers then went through individually with each young teenager the reasons why they had been out drinking and why they deemed that to be an enjoyable way to spend an evening, and why they did not take advantage of all the alternative ways to spend their time.

Afterwards, instead of taking the teenagers home, which is the normal police practice, they called the parents in; they insisted the parents had to come and collect their child, or else they would, effectively, have ended up in the cells overnight. Given that this was a Friday night and many parents were themselves either drinking at home or had been out to the pub to mark the end of the working week, most of them had to book a taxi to take them to collect their children. All but one of them was very indignant, not at the police for disrupting their family life, but at their children—and far more so than if the police had simply taken them home. In fact, one boy said, "Why don't you just take me home like you normally do?"

The process that the families had to go through was far more of an inconvenience than the usual practice. The police found it so effective that they have turned it from a six-week experiment for the school holidays to, it is to be hoped, a permanent feature—they are certainly running it through the entire autumn and I witnessed it again recently on Hallowe'en when I was out with the police again.

[Paul Holmes]

Such measures are a good step, requiring the police not just to pour alcohol down a drain and move people on, but to take, and be involved in, much more proactive measures. We need to change the attitude of society and the attitude of families about what their children are doing when they are out on the streets drinking under age.

Amendments 29, 52 to 59 and 64 to 86 address the mandatory licensing conditions for alcohol. I have two points to make on that. I made one of them in Committee in February. The Government have taken the power to impose no more than nine mandatory licence conditions on pubs. I asked at that time, why nine, rather than five, 13, 20 or whatever the appropriate figure might be? I asked how they had arrived at the figure of nine. I did not get an answer then, but I hope that now, the best part of a year later, the Minister may have been provided with an answer by his civil servants.

I welcome amendment 29 in particular, which addresses the problem of councillors who represent a ward but who do not live in it taking part in the process as interested bodies, rather than just those in a ward who live near a pub, or, perhaps, a lap-dancing club—those were the specific examples we addressed when we discussed this matter in Committee earlier in the year. I gave a specific example from a London borough concerning a lap-dancing club—they are, of course, licensed premises. Local residents had lots of concerns and fears about the effect that the club was having on the neighbourhood, but they were scared and intimidated and would not stand up in public to raise their concerns. Their councillor was happy to speak about that, but was barred by the law from doing so because they lived just outside the boundary. It is good to see that the Government have accepted the argument we have been making and are incorporating it into the Bill in amendment 29.

2.15 pm

Mr. Alan Campbell: By removing clause 27, I hope we are not sending out the message that the offence in question is not a serious matter. People should not assume that because we are not seeking to escalate the fine, this is not serious. The police have a range of powers and we work with them not only on training, but on revising existing guidance. The powers are there to be used, and we want to ensure that they work.

Hon. Members referred to prevention. They asked, why cannot we do more to prevent young people from getting into this situation in the first place? I hope the impression has not been created that not a lot is happening. We need only look at the work done as part of the youth crime action plan and the diversionary activities that the Government, through local authorities and other bodies, pay for, particularly for Friday and Saturday nights. In the more serious cases, there are family intervention projects as well. If children are regularly brought home and parents are indifferent to that, there is good cause to hold them responsible for what their children are doing.

On the ages of the young people in question, we should not forget that the police asked for the powers that we are introducing. Because they sometimes have to deal with groups of people of mixed ages, they wanted to ensure that they had the powers to deal with all of them. Some situations can be particularly difficult for them, and they have to have discretion. The position we have arrived at is the correct one.

The hon. Member for Hemel Hempstead (Mike Penning) mentioned proxy purchase. We do not agree that such a measure would not be enforceable, but addressing the problem can sometimes be disproportionately resource-intensive. The Bill does, however, make it harder to sell alcohol to young people and for them to drink in public, which is welcome.

I welcome this broad range of measures, and I hope the House will support the amendments.

Lords amendment 25 agreed to.

Lords amendments 26 to 29 agreed to.

Clause 35

CONTENTS OF INJUNCTIONS: SUPPLEMENTAL

Mr. Hanson: I beg to move, That this House agrees with Lords amendment 30.

Madam Deputy Speaker (Sylvia Heal): With this it will be convenient to discuss Lords amendments 31 to 39.

Mr. Hanson: Members will, I hope, welcome the fact that the amendments proposed by the Government on gang injunctions are a result of having listened to the concerns expressed in debates in another place and of new issues that were raised there.

Lords amendments 30 to 33, 35 and 37 have been proposed to limit the duration of the injunctions to a maximum period of two years. They will work in conjunction with amendments 31, 32 and 37, which will introduce a mandatory annual review where an injunction lasts for more than one year. Lords amendment 36 deals with the introduction of a time limit and mandatory review. It ensures that where an application is made to vary an injunction, the courts have power to add a new prohibition or requirement or to extend the duration of an existing prohibition or requirement, subject to the overall time limit of two years.

Lords amendment 34 is a technical amendment. Lords amendment 38 requires the Secretary of State to consult the Lord Chief Justice, and any other persons he considers appropriate to consult, prior to issuing or revising guidance on gang injunctions.

Finally, Lords amendment 39 responds to concerns that these innovative provisions could be used against groups that the Government do not intend them to be used against. The proposed new clause would impose a duty on the Secretary of State to review the operation of the gang-injunction provisions and to publish a report on that review. The new clause would require the report to be published within three years of the commencement of the provisions, and be laid before Parliament. I hope that the amendments are welcome to the Opposition. They raised these issues in good faith in another place, and we have been pleased to be able to introduce the amendments. I hope that the House will accept them.

James Brokenshire: The Conservatives made it clear in Committee and on Report that we would support measures to deal with the serious problem of gang-related violence, which affects so many communities and young people up and down our country. In the past fortnight, the charity Catch22 published a survey of young people's experiences of crime and put this issue into context by suggesting that more than one in four of the young people that it had surveyed had been threatened with a weapon, such as a knife or a gun, and almost one in six had had a weapon used against them.

If that were an isolated survey, it might be more easy to cast doubt on it, or to criticise or discount it in some way, but it was published against a backdrop of other surveys. Action for Children reports that becoming a victim of crime, particularly violent crime, is a real fear for children and young people growing up in the UK today, and according to polling of young people conducted by MORI for the Youth Justice Board, in the past 12 months nearly a third of 11 to 16-year-olds in mainstream education in England and Wales carried a weapon, with more than half of all excluded pupils admitting to having carried a knife.

The desire is to ensure that young people approach adulthood full of enthusiasm for their future, with opportunities calling them from every direction. For too many young people in Britain today, such optimism is not there because of fears for their safety. Given that gang culture, gang activity and gang membership can make that situation much more serious, the provisions needed to be examined and considered appropriately.

Vulnerable young people—those with poor educational attainment, weak family structures, addiction, mental illness or unemployment—are being targeted for gang membership, because it gives them a perverse sense of security and of family. That is why it is important that measures are put in place to undermine the deliberate tactics that many gangs seek to use to weaken family ties and to draw individuals away from the traditional support structures. These gangs use acts of sickening violence, and imprisonment may even be a perverse part of a rite of passage in gang membership.

As hon. Members will know, the backdrop to these amendments is the case of Shafi and Ellis *v.* Birmingham city council, in which the Court of Appeal determined that injunctions under section 222 of the Local Government Act 1972 could not apply to the cases in which they were being sought. On the basis of what Birmingham city council said about the impact that the injunctions were having on dealing with gangs in its area and its fear that gang violence was increasing as a consequence of the loss of that specific measure, the proposals were introduced in the House.

The one slightly cautionary note that I should sound against that backdrop goes back to what the Court of Appeal said at the time of the judgment in that case. Paragraph 68 of the judgment of Sir Anthony Clarke, the then Master of the Rolls, and Lord Justice Rix states:

> "However, we are confident that the courts have ample powers to deal with them"—

the "them" being the defendants. The judgment continues:

> "The difficulty for the council here was that, as was submitted on behalf of the respondents, the case against these individuals was very thin on the facts. There is no reason why an ASBO should not be made against those against whom the evidence is sufficient, which must be true in many cases. Moreover, there may be exceptional cases where it would be appropriate to grant an injunction. This is not such a case."

I highlight that only because the amendments put important mechanisms in place relating to the need for a review and for consultation and guidance. A range of measures might now be available to local authorities and the police in seeking to undermine gang-related violence and gang-related "nuisance"—I call it that for the purposes of the section 222 injunctions, but it has a much bigger impact on people's daily lives. There needs to be greater clarity on the use of these powers in respect of serious crime prevention orders and the range of other sanctions available, to ensure that we do not end up with an ever-widening toolkit, with potentially overlapping remits, and that it is clear which intervention is likely to be the most effective in dealing with a particular circumstance. Therefore, it is essential that we scrutinise closely the import of all the increased powers that various authorities will have and the impact that they will make.

Obviously, we welcome certain changes that have been made as these provisions have been refined—we discussed this in Committee. It came up late in the consideration of the Bill—certainly in this House—and I am pleased to note that certain points that we flagged up were picked up in the other place and that there has been some movement on them. I am thinking, for example, about restrictions such that these orders will last for two years—thus bringing them into line with certain other provisions—as opposed to making them indefinite, and the provision ensuring that reviews take place. Again, that reflects some of the antisocial behaviour order practices and procedures and the process of seeking to streamline those.

It would be helpful if the Minister clarified one outstanding issue: the potential application of the orders to the under-18s. The clear message that came out in this House and in the other place was that it was not intended that they should apply; the Government might come back and look at more orders dealing with the under-18s. The point at issue is that if the orders were applied to someone who was under- 18—this is my understanding, and I am sure that the Minister will correct me if I am in any way wrong—a breach of the injunction would continue to be dealt with by the High Court or a county court as a civil matter, despite the fact that the child could be under arrest and the penalty imposed for breaching the injunction could include imprisonment, rather than the youth court. That distinction needs to be reflected upon. I note the requirement for consultation with the Lord Chief Justice, and that point may well be reflected on in guidelines.

The provisions will be subject to formal review by the Secretary of State after three years. Will the Minister explain how he anticipates that being undertaken? Would it simply be done by the Secretary of State? Do Ministers anticipate the appointment of someone else to conduct that review on their behalf? There is a need for the continuing assessment of potential human rights issues and a need to deal with how that fits with the overall case law that applies in respect of similar orders, where the McCann standard of proof applies. We have raised that on many occasions in this House. These orders seek to differentiate themselves by applying the civil test—the balance of probabilities. How will all this fit together?

[James Brokenshire]

In conclusion, we welcome the changes that have been made to these provisions in the other place, but we will need to ensure that the powers are kept under scrutiny, that they will work as a matter of law and, most importantly, that they will have the desired effect of bringing relief to the communities that continue to suffer from gang-related violence and all the evils that many of these insidious gangs seek to perpetrate on the young people who live there—and, indeed, on the older people who live there too. Such behaviour has a serious impact on many people's quality of life and that is why it must remain a clear focus for all Governments in the future.

2.30 pm

Paul Holmes: Although we welcome amendments 30 to 39 as a partial step forward in the right direction, we need to remember the background. The courts rejected the experiment in Birmingham on the grounds that other measures, such as ASBOs, could be used instead, and that there was not enough evidence from police and councillors in Birmingham to justify the imposition of such injunctions.

Many people have said that, depending on how the injunctions are used, they could be like control orders, and we have seen the legal difficulties and controversy over control orders when applied to terrorist suspects. An injunction against a gang member to save them from themselves—to save them from harm—could require that they spend eight hours in one place, eight hours in another and eight hours in another. It could be a 24-hour control order, and as we know, the provision could last up to two years. This is a controversial and powerful measure. The courts rejected the Birmingham experiment, saying, "No, there is not the evidence and there are other measures that can be used." None the less, the Government felt that they should go ahead, and have made some compromises, as we see in amendments 30 to 39, which are welcome.

Another concern and point of debate that remains is the fact that we are not looking to impose an injunction against gang members in order to stop them carrying out criminal activity, which after much debate is the partial definition of a gang that has been arrived at. We are looking at imposing injunctions on gang members to save them from gang-related activity that might be aimed at them. It is quite a controversial initiative. We have legislation to protect people from themselves when they are judged not to have the mental capacity to do so or the ability to look after their own affairs properly. We are saying in this case that although someone has mental capacity we will none the less impose injunctions on them to stop them going into situations where they might be subject to gang violence, with all the spill-over and bad effects that that has on the rest of the community around them. We are considering quite controversial measures, hence the intense debate on the matter over the course of this year.

The fact that amendments 30 to 39 impose a two-year time limit and say that after three years there should be a review by the Secretary of State are welcome steps to meeting some of the concerns, but we still have to ask how that review will be carried out. Parliament will not automatically get the chance to debate the review. Baroness Miller proposed a sunset clause so that the legislation would fall at some point—say at the end of three years—and said that if the Government of the day felt that the experiment had proved itself, they could reintroduce it. Parliament would then get its guaranteed chance to review the provision and how it had worked, to debate it and to discuss whether to continue or renew it in law. The amendments do not give us such an opportunity.

I am sure that the Minister will enlighten us on how the Secretary of State will carry out the review, but will it automatically be debated in Parliament and will notice have to be taken of that debate? We could have done more to reassure those who have doubts, but amendments 30 to 39 are a step in the right direction.

Mr. Hanson: I shall try to answer some of the points that have been mentioned during the debate. I welcome the welcome that the two Opposition Front Benchers gave to the steps that the Government have taken.

We have said that there will be a review, that it will be held in three years, that it will be undertaken by the Secretary of State and that the outcome of that review will be published to Parliament. I cannot yet tell either the hon. Member for Hornchurch (James Brokenshire) or the hon. Member for Chesterfield (Paul Holmes) what the format of the review will be. It is likely that it will be about 18 months before we initiate the review, and that will properly be a decision for whoever happens to be the Home Secretary at that time. That might be my right hon. Friend the Member for Kingston upon Hull, West and Hessle (Alan Johnson) or another Labour Member—who knows what will happen in these changing times? I am confident that whoever it is will take the right decision and will bring back to Parliament a report on these issues so that they are considered in due course.

The hon. Member for Hornchurch mentioned the aspect of the injunctions that concerns those aged under 18. Under-18s can be taken to the High Court or the county court for breach of an injunction but the key point is that the only disposal available for those issues at this stage is a fine, not imprisonment. He will know that we are actively considering a range of issues to do with under-18 injunctions. We may return to the matter very shortly, but we have to consider everything carefully and hon. Members will have opportunities to debate the issues in due course.

This is a key provision. A number of tools in the civil and criminal law deal with gangs and the cancer that they can spread. The hon. Member for Hornchurch mentioned criminal activity and the damage that gangs do, but a range of options exist to tackle them. We need to look at them and use them in an appropriate way.

As the hon. Member for Chesterfield said, this injunction tool is designed to be a preventive measure, to be used to help and support individuals who might be sucked into the gang culture or who are already in it. Getting such people out of gang culture will benefit both them and, ultimately, wider society. It is not about taking action to crack down on gangs' criminal activity, which is something that should, and will, be undertaken as a matter of course by police forces across the UK.

As the hon. Member for Hornchurch said, the proposal arose from the discussions in Birmingham on the Court of Appeal decision. We needed to reflect on that: I think that we have, and I hope that the House agrees that we have listened to the concerns expressed in the other place. I hope too that the amendments on the time limit for the injunctions and on the review will give some comfort to those who felt that the proposals in the Bill were a step too far.

I believe that these are valuable amendments and that they give the proper assurances that were sought. I commend them to the House.

Lords amendment 30 agreed to.

Lords amendments 31 to 39 agreed to.

Clause 96

RETENTION AND DESTRUCTION OF SAMPLES ETC: ENGLAND AND WALES

Mr. Alan Campbell: I beg to move, That this House agrees with Lords amendment 40.

Madam Deputy Speaker: With this it will be convenient to take Lords amendments 41 and 42.

Mr. Campbell: The amendments were supported by the Government in the other place and are the result of listening to the debates that have taken place in this House and in Committees of both Houses, including the Joint Committee on Human Rights and the Delegated Powers and Regulatory Reform Committee. Over the summer, we considered those views carefully, and the responses received to the Home Office consultation document "Keeping the Right People on the DNA Database" that was issued in May. We accept the concerns raised by the Committees and other stakeholders about making the necessary changes to the law by means of an enabling power.

The issue of retaining DNA and fingerprints from those arrested but not convicted is an important topic that deserves the full attention of everyone involved in the legislative process. We judge that the approach taken in the Bill gave us a sensible opportunity to demonstrate that we were committed to implementing the S and Marper judgment, to consulting swiftly but thoroughly on the detail of the policy and to giving Parliament an opportunity to approve the policy through the affirmative resolution procedure.

Given the strength of feeling on this issue, and the importance of ensuring that we move forward with consensus, we accept the view that the issue would be dealt with more appropriately in primary legislation. We therefore decided to invite Parliament to remove clauses 96 to 98 from the Bill. As soon as parliamentary time allows, we will bring forward appropriate measures in primary legislation, as set out by my right hon. Friend the Home Secretary in his written ministerial statement yesterday. That approach will allow full debate and scrutiny of the proposals in both Houses. I therefore ask the House to agree with the Lords in their amendments.

James Brokenshire: I admire the Minister's elegant attempt to stay on the front foot on this issue, but let us be clear: this is a retreat. The Government had wanted to grow the DNA database as a primary policy principle, but they cannot do that now. They wanted to retain profiles on people arrested but never charged with or convicted of any offence, but they have now accepted that they can no longer do that, and hold such information for ever and a day. They also wanted to hide retention away in an order-making power that would have given huge discretion to Ministers, but they have been thwarted by the Lords amendments before us this afternoon.

Finally, they have had to move away from proposals they made only a few weeks ago to retain for 12 years DNA profiles on those arrested for certain offences. It is absolutely right, therefore, that the order-making power should be withdrawn from the Bill. Indeed, as we said clearly, it should never have been in the Bill. We can look, too, at how the provision was withdrawn—on almost the last day of the Bill's consideration in the House.

There is little doubt about the importance of DNA as an evidential tool in prosecuting and bringing crimes to justice. DNA data can form an important part of the evidential case to prove guilt and ensure that serious criminals are brought to justice. The fight against crime, in particular certain serious crimes, depends on the use of modern scientific techniques, but a balance has to be struck between the interests of the community in preventing and detecting crime and the freedom of the individual. The Government have been on the wrong side of the line and their delay in responding to the S and Marper judgment raises a question about their commitment to deal with such a sensitive issue.

The Government are—belatedly—seeking to respond. To be fair to Ministers, the proposals announced by the Home Secretary are a slight improvement on their previous position, but his statement raises a number of issues. The changes do not go as far as we would like.

It is important to examine the statement to understand where the Government are moving now that they are withdrawing those clauses. The Home Secretary said that since the publication of the consultation document earlier this year the Home Office had sought to further the evidence base with additional research. Could the Minister explain what additional research has been undertaken? I am aware of the publication of the document on the Home Office website on DNA retention policy—the re-arrest hazard rate analysis—but as the Minister will be aware, it was discovered that the original scientific approach proposed in the consultation document had not been peer-reviewed, so it was premature to put it out in that form. Indeed, the document that has now been published accepts in part that line of argument. Can the Minister explain who prepared that work? What analysis was made? Was it peer-reviewed? What tests have been applied as to the robustness of the new document that was published alongside the Government's latest proposals?

It is important to understand that, because yesterday the Home Secretary suggested that we could reduce the retention periods and that we might look at what might be described as arrest to arrest analysis, rather than the arrest to conviction approach in the original proposals. Can the Minister explain the basis for that change of view and the change in approach?

The new analysis notes that there are still some important caveats. The document says that there is still some uncertainty about the line that has now been set—the six years—so it would be interesting to hear from the Minister on that point. In changing their view yet again, the Government have acknowledged that

[James Brokenshire]

even their revised proposals may not be compliant with the S and Marper judgment and the European convention on human rights. The Home Secretary said that although

"the ECHR suggested that the seriousness of the alleged offence should be a factor in determining what length of retention was proportionate"—[*Official Report*, 11 November 2009; Vol. 499, c. 26WS.]—

he claims that the evidence indicates that such an approach should not be taken. Obviously, there is a risk that the new approach the Government have decided to adopt may not be compliant with the European convention on human rights, so it will be interesting to hear whether the Minister has obtained further legal advice in that regard.

We understand that the Government propose to introduce dilution and greater transparency in the existing discretion of chief police officers to destroy DNA records that they may hold. Can the Minister give any indication of the likely factors? Will there be a right of appeal in those circumstances?

We will consider the distinction that has been drawn in relation to terrorism and national security, but will the Minister explain whether there will be any judicial oversight on the initial assessment that will be undertaken in such cases? I understand from the statement that there is intended to be a two-year rolling review thereafter by a senior police officer, but will there be any oversight or appeal? What rank of officer will undertake that review? It is important to understand the approach that the Government are now seeking to take in moving away from their previous position. Equally, how quickly do the Government anticipate that the changes will be implemented? Obviously, it is now a year since the S and Marper judgment, so it would be interesting if the Minister gave some clarity on how quickly they anticipate the change happening. In the interim, does the Minister anticipate issuing any revised guidance to police forces? We understand that police forces have been told effectively to carry on with data collection as though the S and Marper judgment had not happened. Again, clarification on that would be helpful to inform the debate.

We believe that it is appropriate to introduce an approach to DNA retention similar to that introduced in Scotland, where the DNA profiles of those not convicted of an offence would be retained only in circumstances where charges relating to a crime of violence or a sexual offence had been brought. In those more restricted circumstances, DNA profiles could be retained for a maximum period of five years, subject to judicial oversight during the last two years—in other words, after three years. It is interesting that the Government have sought to take a different view. We disagree with the revised view that they have come up with, but we agree that the use, retention and destruction of DNA records and the oversight that sits behind it requires primary legislation to enable the full, detailed debate and examination in Parliament to take place that would have been prevented if the order-making power had been followed as the Government had originally intended.

This is a significant issue. The number of profiles stored on the DNA database by police forces in England and Wales has reached more than 10 per cent. of the population of England and Wales. Yet, despite that growth, DNA detections have not grown in the same exponential way. More refinement, more focus and more attention are therefore needed. That is why we look forward to holding the debate when we return in the next Session and to the Government finally setting out their views in detail, finally starting to address the underlying fundamental issues and changing the approach that previously existed that certainly appeared to treat us all as potential suspects.

Paul Holmes: Lords amendments 40, 41 and 42 are very welcome, because they remove the Government's attempt to give themselves a blank cheque to act on such a controversial issue, whereby in light of the European ruling on DNA, they would say, "We'll go away and come up with suggestions in private. We'll write them into law. We'll put them through a Statutory Instrument Committee. There'll be no debate in Parliament. There'll be no primary legislation," and we would have to leave it to the Government to do things on the quiet. That was obviously, from day one, utterly unacceptable on such a major controversial issue as the retention of innocent people's DNA in particular.

2.45 pm

The haste earlier this year was quite inexplicable. We had a very good Public Bill Committee. Quite unusually for such Committees, we had the time to debate properly nearly everything that we wanted. We had some extra sittings in the evening to ensure that we could cover every issue properly, without feeling at the end of the debates in Committee that important issues had just gone by and not been discussed. It was a really good, constructive Committee. Yet at the very last minute, with no time for serious debate at all, the Government introduced two radical suggestions with big implications—one on gang injunctions, which we have just been discussing, and the other the blank-cheque approach to DNA that says, "Trust us."

Well, no, on this issue above all, the public and Parliament do not trust the Government to go away, cook up something in a back room and pass it. It is welcome that at long last, right at the end of the process, the Government are accepting Lords amendments 40, 41 and 42, and are withdrawing the ridiculously badly thought-out and hasty proposal, made earlier in the year, that they should decide the matter on the quiet, without any public or parliamentary scrutiny.

We understand that the issue will be back in the Queen's Speech next Wednesday, but at least it will be subject to proper debate, and at least there will be a piece of primary legislation. As for the suggestion that we keep innocent people's DNA for six years, that is still far too long, even if it is an improvement on previous Government practice. A constituent of mine, Tony Hedley, who was on a BBC radio programme yesterday speaking about this, would certainly feel that that was far too long. He had false allegations made against him with regard to a relatively trivial matter. The charges were quickly dropped, but he cannot get his DNA records back; they are still being held by Derbyshire police.

Mr. Hedley has contacted Derbyshire police force many times, and I have written to it. He has contacted 10 Downing street twice, and had acknowledgments but no reply. Derbyshire police force says that it cannot get rid of the DNA records of that totally innocent person until the Government change their policies. I hope that the Government will change them dramatically.

I do not know why, back in February, when the Government wanted a blank cheque, they did not just introduce amendments or new clauses to the Bill, implementing the Scottish practice, which already works very well in that part of the UK. The European Court of Human Rights has already declared that approach to be absolutely acceptable in terms of human rights legislation. If the Government had introduced such a system, the provisions would now be passing into law. Why they did not do that is impossible to understand. They did not need to go away and think about the matter, they did not need to do their own research, however half-baked that research may or may not be, and they did not have to come up with their own suggestions.

What is the basis for the suggestion, which we have heard, that an innocent person whose DNA is taken will either offend within six years or not at all, so the DNA can be got rid of after six years? What is the basis for such approaches? Why not just put into law the well-tried, successful and fairly widely accepted Scottish practice, which already works in part of the United Kingdom?

Mr. Alan Campbell: We have brought forward measures that were not only debated in Parliament, but subject to considerable debate outside Parliament. There has been a long consultation with the public on the measures, and over that time scale additional research has been undertaken, so we cannot be accused of seeking a blank cheque or pushing through measures. Nor can we be accused of proceeding with indecent haste on the issue, particularly when we have addressed the central concern raised in this House and another place, which is that there should have been primary legislation. All those factors have led us to our conclusion.

Let me deal with the point that the hon. Member for Hornchurch (James Brokenshire) raised about DNA detections. He is right that the number of DNA detections has fallen in recent years. Over the past five years it has fallen by 11 per cent. That is because recorded crime in England and Wales fell by 22 per cent. in that period. If there are fewer crime scenes and fewer cases in which DNA has to be taken, it is hardly surprising that the amount of DNA available to the police and being used for detection should decrease.

The hon. Gentleman gave the impression that we were somehow dragging our feet in responding to S and Marper. In Committee, although he disagreed profoundly with what we did, I thought that he agreed with the route that we had chosen. We were trying to respond to S and Marper; the reality is that Parliament disagreed with the route that we chose. I congratulate him, and to some extent the hon. Member for Chesterfield (Paul Holmes), who speaks for the Liberal Democrats, on their pre-emptive strike this afternoon on measures that will, I hope, be part of a future Bill that is to be debated very soon.

The points about the validity or otherwise of Home Office research, and the issues to do with terrorist suspects, do not fall within the confines of the amendments that we are discussing, so I will not address them on this occasion. The reality is that we are meeting the challenge of S and Marper: we began to meet it within hours of the judgment, because the two individuals concerned were taken off the database. However, we sought, and are seeking, to introduce further measures that address the wider issues that the judgment raised. We are working very carefully with the Association of Chief Police Officers on changes to the database, but until the legislation changes, the practice does not need to change. I hope that the hon. Member for Chesterfield appreciates that. Until Parliament decides that the situation has changed, therefore, the process will continue as it is. As the hon. Gentleman knows, however, we have taken under-10s off the database.

We are confident that we will continue to meet the S and Marper judgment. It is important that we meet it in a timely fashion, but it is also important, as the Committee of Ministers said, that we consider those matters very carefully indeed. We will have longer than we anticipated to do that. The Committee, through the judgment, gave us a very clear steer: although it upheld the point about individual rights for people who are on the database—S and Marper—it also accepted our right as a Government to decide where the balance lies on public protection. It is important that we get the balance right, and if it takes longer than we anticipated, so be it. However, by removing the measures from this Bill and, I hope, putting them into a future Bill, we will be able to do precisely that.

Lords amendment 40 agreed to.

Lords amendments 41and 42 agreed to.

After Clause 111

REMOVAL OF LIMITATION ON WARRANTS UNDER MISUSE OF DRUGS ACT 1971

Mr. Hanson: I beg to move, That this House agrees with Lords amendment 43.

Madam Deputy Speaker: With this it will be convenient to discuss Lords amendments 44, 45, 87 and 88.

Mr. Hanson: Lords amendments 43 and 45 are proposed changes to section 23 of the Misuse of Drugs Act 1971, and the Government introduced them in another place. They were proposed as a result of late representations from the Scottish Crime and Drugs Enforcement Agency. The proposed changes are simply clarifying measures. They seek to make it absolutely clear that those working for law enforcement agencies with a national jurisdiction, such as the Scottish Crime and Drugs Enforcement Agency, are entitled to obtain search warrants to enter and search premises under section 23(3) of the 1971 Act, when the court is content that the statutory criteria have been satisfied.

Lords amendment 44 is also a small and minor amendment, which would correct a minor error in the commencement powers relating to clause 100. Lords amendment 87 would correct a minor typographical error in relation to section 185(5) of the Extradition Act 2003.

As this is almost the final moment of the Bill's passage, I should like to thank the official Opposition Front Benchers and the Liberal Democrat Front Benchers for their co-operation and discussions over the past year or so, during the Bill's journey through both Houses. I joined in to assist the Bill's passage in June, and the

[Mr. Hanson]

Minister for Schools and Learners, my hon. Friend the Member for Gedling (Mr. Coaker), played a significant part in it in his previous incarnation, for which I thank him. I also thank my noble Friends Lord West and Lord Brett, in another place, for their work on these provisions. Lastly, but perhaps most importantly, I thank the Bill team and officials from the Home Office, who have spent a long time dealing with the legislation and deserve our respect and thanks.

James Brokenshire: I support Lords amendment 43, which clarifies the rules across the country. It is interesting to note that the provisions of the amendment already apply in Northern Ireland, as one of the subsequent amendments shows, and it therefore seems a sensible proposal to adopt.

I thank the Minister for his kind comments, and in return I thank him and his team, and also the hon. Member for Gedling (Mr. Coaker) for their constructive approach. As we have seen this afternoon, we have not always agreed on all issues—one would not expect us to—but we have all listened to what has taken place, and we look forward to continuing the debate and discussions on the key issues as we move forward into the next Session.

I pass on my thanks to my noble Friends for their sterling work, and to the Bill team, the officials and everyone involved in the process. It has provided an opportunity to debate constructively some very important issues that affect many of our constituents, and we look forward to continuing that debate in the time ahead.

Paul Holmes: The amendments are variously technical, minor and consequential, and we support them. I add my thanks to everybody who has taken part in this process over the past year. The only group that we have forgotten is the humble parliamentary researchers, including mine who did all the work earlier in the year, and my new one who has done all the work to prepare for the debate in the past week.

Lords amendment 43 agreed to.

Lords amendments 44 to 88 agreed to.

3.1 pm

Sitting suspended (Order, 9 November).

MESSAGE TO ATTEND THE LORDS COMMISSIONERS

4.35 pm

Message to attend the Lords Commissioners delivered by the Gentleman Usher of the Black Rod.

The Speaker, with the House, went up to hear Her Majesty's Commission; on their return, the Speaker sat in the Clerk's place at the Table.

ROYAL ASSENT

Mr. Speaker: I have to acquaint the House that the House has been to the House of Peers where a Commission under the Great Seal was read, authorising the Royal Assent to the following Acts:

Law Commission Act 2009

Autism Act 2009

Holocaust (Return of Cultural Objects) Act 2009

Driving Instruction (Suspension and Exemption Powers) Act 2009

Perpetuities and Accumulations Act 2009

Green Energy (Definition and Promotion) Act 2009

Local Democracy, Economic Development and Construction Act 2009

Health Act 2009

Apprenticeships, Skills, Children and Learning Act 2009

Marine and Coastal Access Act 2009

Welfare Reform Act 2009

Coroners and Justice Act 2009

Policing and Crime Act 2009

Her Majesty's Most Gracious Speech

Mr. Speaker: I have further to acquaint the House that the Chancellor of the Duchy of Lancaster, one of the Lords Commissioners, delivered Her Majesty's Most Gracious Speech to both Houses of Parliament, in pursuance of Her Majesty's Command. For greater accuracy I have obtained a copy, and also directed that the terms of the Speech be printed in the *Journal* of this House. Copies are being made available in the Vote Office.

The Speech was as follows:

My Lords and Members of the House of Commons

My Government's overriding priority has been to help families and businesses through difficult global economic times. My Government remains committed to delivering a fair and prosperous economy.

The strength of the financial sector is vital to the future vibrancy of the economy. Therefore, legislation has been enacted to ensure fairer and more secure protection for bank depositors and to improve the resilience of the financial sector.

Legislation has been enacted to create Saving Gateway Accounts to encourage people on lower incomes to save more by offering financial incentives.

Legislation has been enacted to promote local economic development and to create greater opportunities for community and individual involvement in local decision-making.

An Act has been passed to increase financial support to industry and to widen the support offered to exporters.

An Act has been passed to reform the welfare system, to increase the requirement for people to move from benefits towards sustained employment and to provide greater support, choice and control for disabled people.

My Government has remained committed to protecting the public and ensuring the nation's safety.

An Act has been passed to increase the effectiveness and public accountability of policing, to reduce crime and disorder and to enhance airport security.

An Act has been passed to deliver a more effective, transparent and responsive justice system for victims, witnesses and the wider public. The Act will improve the coroners service, and the process of death certification, to provide an increased focus on bereaved families, including the families of servicemen and women.

Legislation has been enacted to strengthen border controls, by bringing together customs and immigration powers. The Act will also ensure that newcomers to the United Kingdom earn the right to stay.

My Government has remained committed to ensuring everyone has a fair chance in life. Legislation has been brought forward to promote equality, fight discrimination and introduce transparency in the workplace to help address the difference in pay between men and women.

My Government has brought forward legislation to enshrine in law its commitment to eradicate child poverty by 2020.

Because the health of the nation is vital to its success and well-being, an Act has been passed to strengthen the National Health Service. The Act creates a duty to take account of the new National Health Service Constitution that sets out the core principles of the Service and the rights and responsibilities of patients and staff. The Act also introduces measures to improve the quality of health care and public health.

An Act has been passed to reform education, training and apprenticeships, to promote excellence in all schools, to improve local services for children and parents and to provide a right for employees to request time for training.

My Government has continued to take forward proposals on constitutional reform, including strengthening the role of Parliament. Legislation has been enacted to strengthen the regulation and enhance the transparency of party finance and expenditure.

An Act has been passed to create an independent authority to regulate and administer the allowances of Members of Parliament.

Legislation has been enacted to manage marine resources and to create a new right of public access to the coastline.

My Government has continued to work closely with the devolved administrations in the interests of all the people of the United Kingdom. My Government remains committed to the Northern Ireland political process and has brought forward further measures for sustainable, devolved government.

Members of the House of Commons

I thank you for the provision you have made for the work and dignity of the Crown and for the public service.

My Lords and Members of the House of Commons

My Government has worked towards European action on economic stability, on climate change, on energy, enlargement and security.

My Government has worked for a coordinated international response to the global downturn, including by hosting the G20 Summit on financial markets and the world economy in April. My Government has continued to work as part of the North Atlantic Treaty Organisation, including at its sixtieth anniversary summit.

My Government has continued to press for a comprehensive peace settlement in the Middle East, for continued progress in Iraq and for effective measures to address international concerns over Iran's nuclear programme.

My Government has continued to work with the Governments of Afghanistan and Pakistan for security, stability and prosperity.

The Duke of Edinburgh and I were pleased to receive President Calderón of the United Mexican States and President Patil of the Republic of India.

My Lords and Members of the House of Commons

I pray that the blessing of Almighty God may rest upon your counsels.

PROROGATION

Mr. Speaker: The Commission was also for proroguing this present Parliament, and the Chancellor of the Duchy said:

"My Lords and Members of the House of Commons:

By virtue of Her Majesty's Commission which has now been read, we do, in Her Majesty's name, and in obedience to Her Majesty's Commands, prorogue this Parliament to Wednesday the eighteenth day of this instant November to be then here holden, and this Parliament is accordingly prorogued to Wednesday the eighteenth day of this instant November."

End of the Fourth Session (opened on 3 December 2008) of the Fifty-Fourth Parliament of the United Kingdom of Great Britain and Northern Ireland in the Fifty-Eighth Year of the Reign of Her Majesty Queen Elizabeth the Second.

Westminster Hall

Tuesday 10 November 2009

[Mr. Bill Olner *in the Chair*]

Financial Services Regulation

Motion made, and Question proposed, That the sitting be now adjourned.—*(Sarah McCarthy-Fry.)*

9.30 am

Mr. David Heathcoat-Amory (Wells) (Con): It is a pleasure to see you in the Chair, Mr. Olner. The financial services sector, which is the subject of my debate, is extremely important to the British economy and is about to experience big regulatory changes that have not been adequately debated so far. We can all agree, I think, that the recent history of financial services regulation is not a happy one. When the Government took office in 1997, they gave interest rate decisions to the Bank of England but removed from it banking supervision, which then fell into a black hole between the Bank, the Treasury and what became the Financial Services Authority.

When some of us raised the problem during the passage of the Bank of England Act 1998, we were told not to worry because there was a memorandum of understanding between the authorities. That was fine when everything was going well, but the test of a system is in a crisis, and when the credit crunch hit, there was a great deal of confusion about exactly who was responsible, where accountability lay, who made the decisions and who enforced them. We will make the same mistake again if we sign up uncritically to a system of European financial supervision with exactly the same ambiguities about accountability and control. The Government do not like the impending European system of supervision, but they seem unable to block it and have been retreating from a number of earlier positions on it.

I want to make it clear that I am not defending the status quo as regards regulation. The background is of much-needed regulatory change. I have no sympathy with the big banks that failed during the credit crunch. Many of them behaved like bandits, and some are still behaving badly, lending at extortionate rates to small businesses and others to pay for their casino-lending practices of the past, all of which are underwritten by the taxpayer. Mervyn King, the Governor of the Bank of England, is absolutely right to raise the question of moral hazard whereby if banks and others take risks and are justified, they receive riches and honours, but if the risks go against them they are left with the taxpayer. We must tackle that. Again, the Governor is right to advocate breaking up big institutions to generate real competition and to sort out those that are too big to fail—they will be supported by the taxpayer in extremis—from those that can be regulated in a different way. If institutions are too big to fail, they must be tightly regulated, but a different regime is appropriate for others.

I must declare an interest. I am a director of a not-for-profit health insurer in the south-west, which is extremely prudently run. If it failed, which is incredibly unlikely, it would of course be a disaster for the staff and the policyholders, and the directors would have to resign, but it would pose no thre[illegible]e wider economy; there is no systemic risk. That [illegible] and many others like it are nevertheless on the receiving end of a huge and growing volume of regulatory requirements from the FSA. The cost is enormous, and all of it must ultimately be borne by, in our case, policyholders, but in other sectors by borrowers or customers—in other words, the public. So, we are building up an enormous national overhead here in a competitive global market. We must earn our way out of this recession; we cannot spend our way out. The question of international competitiveness is very important. If we turn the country into a nation of regulators, we will remain a low-growth, high-unemployment part of the world economy.

Let me ask the Minister about the alternative investment fund managers' directive—another catchy title. The directive is aimed at the hedge fund and private equity market, which is not responsible for the credit crunch. The EU directive is only in draft, but we know from the present text that its terms are onerous, broad-brush and do not take account of the variety and diversity in the sector. It threatens to be disproportionate to the actual risk because, again, this sector does not pose a systemic risk to the British economy. It is also protectionist because in effect, it will keep out non-EU financial agents, which will raise costs and reduce competition.

Mr. Mark Field (Cities of London and Westminster) (Con): I entirely agree with my right hon. Friend's comments on the directive. Will he confirm in front of the Minister that the financial crisis of the last two years has never been a crisis of asset management, which is what is being proposed here? Furthermore, on international competition and protectionism, the biggest worry is that some of the brightest and best in Europe will go elsewhere, rather than staying, thus allowing Europe to take a larger slice of this increasingly fluid global market.

Mr. Heathcoat-Amory: I agree with my hon. Friend. The EU has a habit of being obsessed with internal harmonisation. The real question, however, is whether Europe is competitive in the wider world. If such a directive has the effect of driving assets and firms overseas to non-EU jurisdictions, it will be very damaging. That is a particular concern to Europe. I am informed that about 80 per cent. of hedge funds are based in London, and 60 per cent. of European venture capital and private equity managers are based in the United Kingdom. So, the directive is aimed at this country. Will the Minister comment on that and tell us what she is doing to protect our interests? I have given her office the general lines of my debate so that she can prepare some answers.

I am not calling for isolation here. We cannot regulate simply on a national basis. We are global and must, of course, talk to regulators in the United States, Europe, and the far east to try to align the rules, but supervision must remain national. Supervision is the application and enforcement of the rules, and that cannot be given to an international jurisdiction. I understand that that is the Government's position, but it seems to be under attack. Into this debate about how we improve our regulation and stop regulatory failures, there now intrudes the EU's ambition not only to regulate—to make the rules—but to supervise and enforce the regulations.

[Mr. Heathcoat-Amory]

There is a proposal for three new European supervisory authorities, or ESAs: one for banking, one for insurance and pensions, and one for securities. They would go very much further than the existing regulatory committees that have been meeting in the EU for some years. They would have wholly new powers and authority. They would be rule-making, they would have enforcement powers, they would have emergency powers over firms and national supervisors, and they would have the power to mediate and to impose solutions.

Unless the ESAs are stopped, they will go way beyond what the Government have said is acceptable. Lord Myners, the Treasury Minister responsible for this sector, gave evidence to the European Union Committee of the House of Lords, in which he could not have been clearer. He said:

> "The Government support regulatory and not supervisory powers at EU level."

He also said:

> "The Government do not see how we could have EU bodies overruling national authorities where national taxpayers can be asked to fund firms that have failed."

He was also sceptical about what he called

> "binding mediation given the importance of aligning supervision and crisis management".

He said very much the same thing to me and others when he gave evidence to the European Scrutiny Committee:

> "supervision must lie in the hands of national authorities."

So that is the Government's position, and I hope the Minister can confirm that it remains an unaltered requirement of theirs, because the very name given to these authorities indicates the opposite. They are to be "supervisory" authorities and if they are called that they will probably do that, which contradicts the assurances that Ministers have given to both Houses of Parliament.

There are other questions to be asked about ESAs. How will decisions be made in these new authorities? The answer is, by majority voting. However, as we have already heard, the United Kingdom is by far the largest EU financial market. By some reckoning, including the Mayor of London's, the UK is now the biggest financial market in the world, so we must protect this market from unnecessary and burdensome regulation. The EU has a regulatory itch; it lives by expanding its jurisdiction, legal authority and regulations.

David Taylor (North-West Leicestershire) (Lab/Co-op): A week ago, in Treasury questions, I raised with the Minister's colleague, the Financial Secretary to the Treasury, my right hon. Friend the Member for East Ham (Mr. Timms), the fact that the Tax Justice Network had created a financial secrecy index, which found that the City of London was one of the most secretive, opaque and impenetrable financial regimes in the world. Although it is important that we do not have burdensome and unnecessary regulation, surely there is still more to be done to provide the clarity, transparency and openness that markets often say they have but manifestly fail to deliver.

Mr. Heathcoat-Amory: I agree with the hon. Gentleman; openness helps a well-ordered and properly regulated market. Of course, one must ensure that market-sensitive information does not fall into the wrong hands, and there is a question mark about what will happen to the information that is given to these new European regulatory authorities. We need certain assurances about that, but I agree with the general thrust of his question. Nevertheless, my point is that, because of majority voting, we do not want other countries' policy preferences imposed on what is by far the largest financial market in Europe.

There is a rather doleful precedent in the artists' resale right directive, which the Government fought against and voted against. It imposed a levy on the resale of art, supposedly for the benefit of artists and their descendents. However, because it does not apply in the rest of the world, it is having the unfortunate effect of undermining the attractiveness of London, which is the biggest art market, compared with New York, Zurich and other non-EU art centres. It was eventually imposed on us because of majority voting and the European Commission's determination to harmonise within Europe and to pay much less attention to Europe's competitiveness in the wider world—a point made earlier by my hon. Friend the Member for Cities of London and Westminster (Mr. Field).

We also need to know who will sit on these ESAs and who will appoint them. Lord Myners was asked when giving evidence about the question of appointment, and he said:

> "I think that that is still open for debate and discussion."

We now need to know who will appoint the members of the ESAs. Also, who will the ESAs report to? Who are they accountable to? Are they accountable to EU Ministers, the European Commission, the European Parliament, or all three? There is the danger of creating exactly the same confusion I referred to earlier, whereby regulation fell between the Bank of England, the Treasury and the FSA—except that the same confusion would now occur at a higher level in Europe.

Furthermore, there are doubts about whether the entire package of proposals is legal and whether the EU can establish these freestanding authorities. The European Commission is using articles under single market powers to establish the ESAs, but these authorities' primary purpose is not to create a single market; surely, it is to stabilise and protect the financial system. Therefore, the Commission should not be using single market articles to establish the ESAs, but it is doing so because that brings in majority voting. Again, I would appreciate the Minister's commenting on that issue.

There is perhaps an even more important problem, which is that it is an established principle that the EU cannot delegate or confer powers that it does not itself possess. In this instance, however, the EU is conferring powers on three supervisory authorities and giving them broad discretionary powers without clear or defined limits. That is an apparent abuse by the EU and it should be challenged legally. Again, I would like to hear the Minister's view on that.

This matter is urgent because there is now a headlong rush to establish these ESAs. The European Council, which met very recently, has urged the Council of Ministers

> "to reach agreement by December 2009 on a complete package setting up a new supervisory structure in the EU."

These conclusions were agreed by unanimity, so the Prime Minister believes that, within a month, all this structure can be agreed.

There is a great deal of concern about this. To take just one example among many, the Association of British Insurers says it is concerned about

> "handing broad areas of decision-making to supervisory bodies acting collectively, without adequate provision for consultation or democratic oversight."

It also says:

> "Multiple sources of regulatory authority will add unnecessarily to the complexity of regulation."

There are many other examples I could give.

It is baffling that the Treasury has allowed itself to be bounced in this way, which breaks all the Government's own rules about the quality of regulation. The Government's own guidelines on better regulation say that it is much better to carry out regulation properly than to carry it out quickly. Also, regulation must respect subsidiarity and proportionality, and there must be a careful assessment of the costs involved. Where is that cost assessment in this case? Where is the impact assessment for the ESA proposals?

What we need in financial regulation is clarity, firmness, accountability and economy. So far, there is very little evidence of any of those qualities in the proposals.

Mr. Bill Olner (in the Chair): I call David—*[Interruption.]* I am sorry; Mr. Mark Field.

9.49 am

Mr. Mark Field (Cities of London and Westminster) (Con): Thank you, Mr. Olner. I am always aware that I am barely a household name in my own home, let alone anywhere else. It is a great pleasure to follow my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory), who made a sensible contribution to the debate. As he rightly said, the issue of financial services regulation is of great importance.

One concern in the midst of many people's continued lack of trust and confidence in our financial services world—a situation that I fear will continue for some years to come—is that we look on regulation as we do some sort of religion that holds sway, without thinking through all its implications. To be fair, that applies not only to the world of financial services but to much of the public sector. That is not to say that there is no place for regulation. Regulation is necessary, particularly in respect of financial products, in order to maintain confidence.

To go back two decades and more, I think we are all concerned that respect for the pensions industry and other categories of financial services products is so low in the public at large that all too often people do not save for their long-term future. People of my generation, in their 40s, have tended to put too much money into immediately stoking up the housing market, which obviously has negative effects. It is not just that the market might not be sustainable; we need to try to inculcate into the public mind the idea that people, for their own good, should invest for the longer term in a range of savings products, as well as the confidence that they can save in equities and other savings products. It is not an option, therefore, to suggest that there should be no regulation. Many of us have always promoted the idea of light-touch regulation, but I do not think the zeitgeist will favour that in the foreseeable future.

As my right hon. Friend said, these are troubling times for the City of London and our hitherto booming financial services sector. The second enormous cash injection into the Royal Bank of Scotland last week, along with incendiary tales of the return of big banking bonuses, is making the general public question whether anything has changed apart from the size of the ballooning public deficit.

Whether we like it or not, bank lending is unlikely to return to anything approximating normality until probably the second half of 2011. A huge number of toxic assets remain on all banks' balance sheets and have yet to be identified, and they will need to be removed. The times will be troubled, and I think there will be a lot of concern for a considerable time to come among the public as well as in this place about the state of our banking industry.

My constituency houses the City of London and has hedge funds and alternative assets in Mayfair and St. James's. As my right hon. Friend pointed out, the crisis has focused largely on the big banks, but it should not be forgotten that other elements of financial services and their products have remained relatively unscathed. Asset management—hedge funds and private equity—is one such industry, so it is perverse, to put it mildly, that we are going headlong towards signing up to the directive through the European Council.

I praise the relevant Minister, Lord Myners, who has put in a sterling effort in recent months, along with Conservative MEPs, to make the case for ensuring that the damaging aspects of such directives are kept to a minimum. It is clear that there are two distinct schools of thought on the matter, even within the European Council. However, it is very much a work in progress. My constituency also contains a residential population of fairly wealthy global business folk and a service and entertainment sector in the west end that has blossomed from the disposable incomes of a busy London work force that has, to a large extent, received the benefits of the financial services boom, as has been particularly evident in the past two decades.

The financial services industry also helps sustain a huge range of support industries, such as law, accountancy and consulting. It should also be said that the great global success of the City of London includes elements such as the insurance industry, many of whose difficulties arose through the near-collapse of Lloyd's two decades ago. There are some important templates in that for learning how a service industry that looks as though it is on its knees can recover its global pre-eminence.

As London is the engine of the national economy, getting financial services regulation right is vital not just for my constituents but for the nation as a whole. We must accept that a crucial ingredient in regulation of the industry is a public perception of fairness, as my right hon. Friend made clear in his comments. Without that sense of fairness, there is little doubt that we risk allowing the current crisis to discredit capitalism and herald a new era of corporatism and ever more restrictive regulation in the long term.

That said, although irresponsible banking should and must be curbed, populist and rushed measures designed to rein in City excess should be avoided. After all, the Sarbanes-Oxley Act, introduced in the United States after the Enron and WorldCom scandals, taught us that additional regulation to protect consumers, as it was perceived in that country, may do little to stave off

[Mr. Mark Field]

a crisis and that in a global economy, business will have no hesitation in relocating if regulation becomes too cumbersome.

Having learned from that, we must give the public greater credit and take them with us by explaining clearly how the taxpayer stands to gain or suffer from the regulatory choices that we make. One such way is to defend the UK's position as a global leader robustly against EU attempts to curb the hedge fund industry via the draft alternative investment fund managers directive. I spoke about that problem in this Chamber recently, and the Minister was also there, so I shall not go over the ground again other than to summarise the issue briefly.

Most hedge funds are exempt from much of the regulation applying to investment banks and mutual funds. As pools of highly mobile capital, they have fast developed the reputation of being able to move mountains in the financial market by anticipating future expectations. Hedge funds, which are largely limited liability companies, thrive on volatility, so the crux of the controversy surrounding them is the degree to which they either cause or affect fundamental shifts in financial markets.

Alternative investment funds have accepted that in the new regulatory climate, they will be required to boost transparency and accept new curbs on disclosure and, most likely, on clearing, settlement and custody as well. The draft directive, however, goes a long way beyond that and may make it absolutely impracticable for funds owned by non-EU entities, which comprise a significant proportion of those operating in London, to distribute their products within the European Union.

That, combined with other regulatory and fiscal burdens here, may persuade hedge funds to relocate to other financial centres such as Switzerland, or indeed to return to the United States or emerging centres in the Gulf or the far east. As my right hon. Friend pointed out, such an outcome would be in the interests neither of the UK economy, which fundamentally concerns us, nor of the EU. Such protectionism in a global market would be fatal. At a supranational level, it would diminish competition, restrict flows of liquidity into the single market and be seen as protectionist at a time when barriers need to be brought down rather than erected. At a domestic level, it would also significantly diminish London's critical mass as a financial centre and reduce individual and corporate tax revenue. At its most detrimental, it risks undermining London's competitive advantage in the market for the professional services to which I referred.

The impetus for a European directive derives from panic in response to the economic crisis alongside a somewhat partisan vision of hedge funds and private equity as a wild west show of amoral speculators and asset strippers. However, I reiterate that there has been no crisis of asset management. Unlike the big banks that have been so troubled over the past two years, hedge funds did not leverage themselves to the hilt, having lacked the balance-sheet clout to do so even if they had wanted to. Whatever regulation exists should focus on the issue of leverage. Only in so far as it does so can it be justified.

Nor did hedge funds run down adequate levels of liquidity. Indeed, those that have failed—as of course some have done in the past two years—have not threatened the entire financial system in their failure. The public must be made aware of that or it will be harder to resist what may seem superficially to be reasonable attempts by the EU to curb reckless risk-taking, but are in reality dangerous moves that will undermine London's competitiveness.

Thankfully, since I last spoke on this issue in Parliament the Swedish presidency has drafted a compromise text on some elements of the draft directive to reconcile British concerns. The important issues are scope, delegation, valuation, leverage, capital requirements and transparency. The compromise proposal is an encouraging step forward. I give credit to some Conservative voices in the European Parliament for that, as well as to the Government, who are belatedly making progress. I hope that we will make significant progress in the coming months. The directive might be revised further because several member states, notably France, are said to be unhappy with the compromise.

I support the broad objectives set out by the European Commission in other regulatory areas, such as a more efficient framework for financial supervision, enhanced financial stability and greater safeguards of the interests of consumers and investors. As my right hon. Friend said, the crux of the matter is an increased competitiveness of EU financial markets and more integration within those markets. We must make it clear to the public and the EU that British policy makers and financial experts are not against efforts to regulate, but equally will not give all regulation the green light simply because public sentiment dictates it. In creating new regulatory structures, it is essential that policy makers across Europe remain focused on the outcomes and keep on track with the key objectives of open markets, increased competition and consistent arrangements globally, regionally and locally.

The City of London believes that there is a clear and compelling case for the creation of a European systemic risk board to ensure that dangers to the stability of the financial system are caught early. The present crisis has demonstrated that monitoring risks at EU level is not enough. That should not deter us from closer co-operation and interaction with global organisations, such as the new systemic risk body in the United States. To have any credibility, such a risk board's membership and voting structures should reflect the financial industry. There is concern that the banking sector will be over-represented on the board and other sectors under-represented. Given that the current crisis originated in the banking sector, the next is likely to start elsewhere. It is therefore imperative that national supervisors from all financial sectors, from securities to insurance, participate in the meetings and in setting up the framework.

On the chairmanship of the board, I support the European Council conclusions that require the post to be elected by the general council of the European Central Bank to ensure that it is viewed, and acts, as an independent body. Furthermore, the board should be able to raise concerns about financial stability stemming from across the EU financial system, including monetary policy, while respecting the independence of the central banks and the supervisors involved.

I support the principle of promoting convergence to ensure a consistency of rules. However, the European system of financial supervisors should not overrule supervisory decisions made by national regulators. The demarcation of powers between national and EU authorities must be clearly defined and any binding powers should be exercised only as a last resort. There is concern over the timetable envisaged for the development of all of the proposals, but the City recognises the pressure to deliver a workable solution for the future of the EU financial markets.

To return to British shores, in the aftermath of the banking bail-out I was deeply disturbed by the creation of financial institutions that became too big to fail. That relates to the issue of moral hazard that my right hon. Friend raised. In forming such institutions, we recognised implicitly—and explicitly in various Government statements of autumn 2008—that they were too big to regulate and beyond the scope of prudential sanction. That in-built lack of competition will continue to result in a remuneration regime that means high rewards for investment banking employees. Nobody objects to people earning a lot of money when there is genuine flair and innovation, but it cannot be right to reward quasi-monopolistic practices brought about by Government policy and organisations working in cahoots with one another or as a cartel.

I am not naive about these issues. Unravelling the recapitalisation arrangements of the past year will not be a short-term affair. We should not rush to a solution because we should strive to gain the maximum value from what is put in place. I am concerned about the idea of stakes being sold off. That might be politically expedient in the run-up to a general election and would bring funds into the Exchequer, but we must ensure that assets on the Government balance sheet are sold at a time that maximises their value for the taxpayer. I suspect that it will take many years—possibly as long as a decade—to unravel the recapitalisation arrangements. The deal was done without full political scrutiny and perhaps elements of it had to be done in that way. However, it is dawning on the public that there has been, and continues to be, a more extensive nationalisation of banking assets than was envisaged.

With the UK taxpayer propping up banks that are politically too big to fail and providing cover for many commercial enterprises that are part-owned by part-nationalised banks, our economy has a worrying dearth of competition. Given that the Serious Fraud Office has neither commercial nor industry respect, we lack a serious, tough and effective body to deter companies from engaging in fraudulent or market-distorting activity. It is critical that we put the restoration and promotion of competition and market fairness at the heart of future economic policy. Under any plan for sound banking, the SFO requires teeth alongside an all-powerful Bank of England, merged with the FSA.

The public will loudly demand more rigorous enforcement of regulation across business, particularly in financial services. Politicians need to demonstrate a seriousness of intent by outlining robust plans for a tough, not-to-be-messed-with agency that values strong competition and clean business dealings as essential parts of an effective financial system. Such an agency should be linked to or merged with the Office of Fair Trading. Its work should be a top priority for the Department for Business, Innovation and Skills, rather than a minor one in a Treasury that has its hands and its ministerial inboxes full. The United States provides a blueprint for the new SFO regime with its whistleblowing culture, the ability for deals to be cut if businesses show the willingness to change and a tough prosecutorial threat. The deterrents provided by healthy competition and stiff punishment must form the backbone of the brave new world of banking and business that lies ahead. Nothing less will restore the confidence of market professionals and the trust of the public.

We must accept that the spirit of the age favours greater, more stifling regulations. Unless those come about on a global basis, London and Europe risk being the losers. The public and political instinct today—and for some years to come—is to punish the banks. Everybody in the financial services industry risks being caught in the crossfire. Fund managers, insurers and other advisers risk losing out as Governments exert new control over the sector. It falls to those of us who recall London's historical role as a global trading city, including my right hon. Friend who was a distinguished Minister in the last Conservative Administration, to make the case for extending the reach and influence of measures in this sector to markets beyond Europe's shores.

10.9 am

Mr. Colin Breed (South-East Cornwall) (LD): I congratulate the right hon. Member for Wells (Mr. Heathcoat-Amory) on securing this important and timely debate. It is rather disappointing that so few hon. Members are here. Perhaps the matter should be discussed on the Floor of the House at some stage because, as the right hon. Gentleman pointed out, the ramifications of what is being proposed will probably affect every man, woman and child in this country, not just for a few years, but for a few decades. What might be done in our name in literally a few weeks' time will have enormous consequences for the future of us all, whether we are retiring or just going out to work.

During our debates and discussions over the past year or so since the commencement of what we now know as the global financial crisis, regulation has been the backdrop to much of the legislation that has been passed—indeed, it has also been mentioned in relation to what different regulatory bodies have been discussing between themselves. The Treasury Committee, of course, has been engaged in some of that and I hope that its report on European regulation will be published in the near future.

We have sometimes failed properly to identify what we want regulation to do. Some people want regulation to curb the size of financial institutions; some want it to curb the size of bonuses; some want it to turn the whole financial sector upside down; and some want it to split large international financial organisations into bodies that are smaller, more manageable and potentially more regulated. Those different opinions all have a part to play, but we have become more aware that, although the intentions behind regulation are often very laudable, the unintended consequences of the imposition of regulation are given less attention.

Attempts to boil down what we want from regulation, to address the current situation and provide some sort of sustainable framework for the future, are causing a great deal of consideration, debate, discussion and argument. I agree entirely with the right hon. Gentleman: saying that everything involved can be put together in a few weeks and brought out in some sort of code that will be the panacea for all our past ills is to go down the

[Mr. Colin Breed]

well worn route of the Dangerous Dogs Act 1991. The unintended consequences of ill thought out regulation would probably have more impact than the problems that we are supposedly trying to regulate in the first place.

I agree that we need regulation, that it should be tuned to the current circumstances and that supervision needs to be changed and improved, but what do we really want regulation to do for us in this country? At the end of the day, the need for regulation really seems to stem from the problems surrounding debt, which is a fundamental aspect of all the problems that we are dealing with. The amount of debt that has been allowed to build up within the banks, within Government and within personal borrowing—in fact, the whole weight of debt generally—needs to be addressed.

We are only too familiar with the problem of banks being unable to lend to individuals and businesses to get the economy going; in other words, they are unable to support and allow funds to flow into what we know as the real economy. We have allowed the real economy to be forgotten and the financial sector has been the beneficiary. Long-term financial reform and regulation should be about directing lending away from expanding the ever-enormous financial sector towards funding the real economy, rather than loading it down with debt.

Over the past 10 or 12 years, the era of cheap credit and regulation has encouraged all the banks to move away from the real economy, where they thought there was less profitability, towards lending against rising assets. That has created bubbles and false markets in property and derivatives—a situation that continually feeds on itself. If we look at the banks' balance sheets and profit and loss accounts, we see that they apparently benefit enormously from their clever investments. We know that the banks might have looked as if they were just lending to the real economy, but the macro-economic consequences of their actions are very different, and we are suffering as a result.

The credit flowing into those asset markets and the creation of debt overheads has meant that the real economy's capacity to pay that debt has declined. At the end of the day, it is the real economy that will service that debt, and we are beginning to see that already. Unless we generate real profitability within the economy, the assets themselves will not repay those involved because those assets have reduced in value. The idea of backing into assets is that they can be sold at a profit and that someone can repay themselves, but we have seen that the assets have declined. Derivative and property values have all declined and therefore the debt will have to be paid by the real economy. Sadly, that matter has been ignored.

We need a regulatory and policy climate that discourages the pursuit of money only in respect of capital gains and encourages growth in what we know as the real economy. Some of us think that that is what it used to be like. When I was in banking many years ago, banks were there to fund businesses, individuals, entrepreneurs and others to generate the additional profit that not only repaid the bank, but created employment and everything else and increased the value of the country's gross domestic product. Pushing all that money into the area of cheap credit and deregulation and creating asset bubbles and false property markets is not the way in which we should encourage regulation to go.

There is obviously a need for change in the areas of domestic regulation and the supervision of the domestic banking and financial sectors. There are a great many ideas about how that might be done—for example, whether it should be through the Financial Services Authority or the return of some supervisory powers and regulation to the Bank of England. However it was done, I suspect that the same people would simply transfer from one building to another. It is the culture of regulation, rather than the fact of regulation itself, that we need to address.

On big banks being too big to fail, we have talked endlessly about whether we should split the banks up or whether we should create more solid Chinese walls, perhaps with differential licences for different activities or with different capital ratios and requirements in respect of the regulation of different activities. We have swiftly introduced protection for depositors to try to protect the taxpayer from having to provide guarantees for them, but that has not done very much. We may well have protected the depositor, but the taxpayer is still paying out, even though we have passed legislation this year to try to head that off.

Can we ever get back to the idea of having basic old-style banks and perhaps even going back to re-mutualisation? Somehow, I do not think it possible to rein back and return to the position that we were in, recreating what we knew as the old basic banking system or reintroducing some mutualisation. However desirable doing so might appear, I wonder whether it is actually possible.

When we talk about bonuses and regulation, we must realise that over the past 10 years—or perhaps a bit longer than that, because our regulations were probably set up a couple of decades ago—globalisation, in all its fullness, has, to a certain extent, rendered the existing system inadequate and out of date. The whole area of what might be called bonus and regulatory arbitrage now demands a more robust system of regulation and supervision. Gone are the days when individual nations and countries could regulate everything that happened within their borders in respect of their financial sector operations. We have an international banking financial sector with a huge scope, and where it decides to locate itself creates great benefits and great dangers for that location, as we have seen.

Perhaps a co-ordinated approach and co-operation in regulation and supervision are the obvious way forward, but international regulation and co-operation, although vital, are not easy to obtain. All this is unlikely to happen on a particular day, but it is likely to evolve. In the evolution of that regulation and supervision, there will be difficulties and arbitrage, which we will have to accept.

As the right hon. Member for Wells has said, the European Commission published details of its legislative proposals only a month or two ago. They were based on agreements that were reached by ECOFIN and the European Council. Given the scope, range, complexity and difficulty that they are trying to encompass, it seems almost incredible that anything could possibly begin to be considered within a few months, but that is what is being suggested. Perhaps the establishment of a

European systemic risk board and European supervisory authorities is the way forward. I am sure that there is huge merit in the idea, and people with great expertise have come up with this particular framework, but the regulation that we are trying to create needs to look at both sides of the coin. Regulation must be adequate, but it must also be proportionate. That is not about being popular; it is about being appropriate. The regulations should seek not to stifle competition, but to promote it between financial organisations and financial sector companies, and also between markets. If we regulate out the competition completely, the consequences will be even more dire. Our approach needs to be sustainable and long-term, not short-sighted and subject to continual short-term amendment.

If we rush into the proposals without giving them the considered thought that is needed, which might take some months, we will have all the disbenefits of such a regulatory regime. We will have a short-term, continual need, and there will be disruption in the market. The system will stifle competition between businesses and different markets, it will be totally disproportionate and we will have to battle significant unintended consequences because we will have failed to recognise and address them at an earlier stage.

To echo the right hon. Gentleman, I should say that I have several concerns about the European proposals. We probably have shared intentions regarding the proposals, and the intentions behind them should be welcomed and accepted, but there is great unease and concern about the potential unintended consequences, especially in respect of the speed with which ECOFIN wants to adopt the proposals—in a few weeks' time. That is far too fast, and does not give time properly to consider the relevant issues.

For proper consideration to be given, time is needed for debate and for the intellectual effort that is needed from a great number of people and some bodies that have been mentioned. They seem to be being almost ignored in all this, but they are going to have to grapple with the system and make it work for both their benefit and the country's.

There is no doubt that the measures are controversial, but rushing them through and trying to limit debate because they are controversial does not mean that we will do them justice. How will the measures relate to the global initiatives for regulatory reform? It is great for us to consider them on a European basis—that is right—but how will they fit into what will be happening in the other international markets that are going to be so important if we are to avoid regulatory arbitrage?

What will be the size and composition of the European systemic risk boards and ESAs, and who will appoint them? Their structure might be right, but the detail is absolutely vital. What will happen if we simply sign up to having a series of authorities without really understanding who will be in them? We must bear in mind that, as the right hon. Gentleman said, the UK interest is by far the largest within the European context. If we enter a situation in which we can be significantly outvoted on things that will have a direct effect on our industry and our country, we will need much better safeguards. What discretionary powers will the ESAs have? Will they really have the power to override the decisions of our national regulators? I am certainly not clear about that vital issue, even at this stage. The whole idea of impinging on the responsibility of member states to look after their own sectors is fraught with danger.

Finally, I think that the proposals go far beyond what we understood to be the agreements at ECOFIN. The whole package seems not to be within the basic bounds of those agreements, but to go beyond them. The proposals cannot be hurried through, without proper consideration, on the basis that if we do not do something, another great disaster will happen immediately.

In some ways, we are coping adequately with the current financial crisis. We are trying to ameliorate the situation or to avoid similar circumstances arising in future. Those circumstances would not arise next year or the year after, but would, I hope, be some time away. We have time to deal with this matter, and we need to consider the proposals before we meekly sign up to a whole framework of regulation that could have real unintended ramifications, which we would have to address again in a short while.

In the meantime, markets would be affected because they would be insecure about what the new regulation would be, and people would be only too willing to exploit the weaknesses of the situation, and any unintended aspects of it, for their own benefit. I urge the Government to be very cautious about this matter. If we move too fast, it will be disastrous.

10.26 am

Mr. David Gauke (South-West Hertfordshire) (Con): It is a great pleasure to serve under your chairmanship again, Mr. Olner. May I, too, congratulate my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) on securing the debate and on speaking so eloquently on this subject? The debate is well-timed for two reasons. First, we are clearly still living with the consequences of the turmoil of the past two years within the financial markets and financial services sector. It is easy to underestimate the importance of financial services regulation in this area and how the failure of such regulation has contributed to the problems we have faced. Secondly, the debate is well-timed given the rush to create a new architecture of regulation for financial services at the European level. All those who have spoken have raised concerns about that rush, and I shall make several comments on that. This is a good opportunity to raise this issue, and I am sure the Minister will set out the Government's position on a number of the concerns that have been raised.

Several speakers have made the point that financial services are extremely important to our economy—perhaps too important. None the less, it is vital that we get the regulation of those services right. There has been regulatory failure. The tripartite system that the Prime Minister established in 1997 failed to spot the debt boom and the fragility within our banking system. An age of irresponsibility was allowed to occur in which UK banks became more leveraged than their US competitors, a credit boom built up and the Bank of England—the monetary authority—recognised some of the difficulties but had no powers to address them. Meanwhile, the Financial Services Authority, as the banking regulator, had no remit to monitor the entire picture. In addition, the FSA took a narrow approach to its responsibilities, focusing on conduct of business rules rather than prudential supervision.

[Mr. David Gauke]

The difficulties that we saw in 2007 and 2008 continue to live with us partly because nobody called time on the explosion of debt. When the problems occurred we saw a failure of co-ordination, and the question of who is in charge has never been adequately addressed. It is right that political parties think seriously about how to rectify that, and my party have set out detailed proposals on how to reform our financial services regulatory regime to ensure that there is no repeat of the problems of recent years, and we will do that by giving greater powers to the Bank of England, which must be in charge.

Several Members have referred to banks being too big to fail, and we have an ongoing debate on the divide within banks between utility functions and investment banking functions. The Governor of the Bank of England stated in Edinburgh on 20 October, only a few days ago, that there had been little real reform on that and that the system remains inadequate.

I turn specifically to European regulation, which was the essence of my right hon. Friend's remarks. As we have heard, on 23 September 2009 the European Commission adopted legislative proposals aimed at addressing the regulatory weaknesses at the micro and macro-prudential level through the creation of a European system of financial supervisors and a European systemic risk board. The European system of financial supervisors will comprise a college of national supervisors and three entities collectively referred to as the European supervisory authorities: the European Banking Authority, The European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority.

I debated many of those matters with the Minister in European Committee B on 29 June 2009. At the heart of the Government's approach is an acceptance of a greater European role at a regulatory level, but not a supervisory level, and the Minister rather helpfully set out the distinction between the two:

> "Regulation refers to the making of rules. Supervision relates to the processes that implement the rules and how they are applied to individual firms and markets. While it is important that we have a harmonisation of the rules across Europe, we stick to our point that the supervision and application of those rules, and how they apply in different countries, is down to national Governments. That is why we did not support EU supervision…The main thrust of our argument in negotiation was that supervision should be at nation state level."—[*Official Report, European Committee B,* 29 June 2009; c. 5-8]

I will explore further the distinction between the rule-maker and the supervisor. One concern that has been raised with us relates to the legal powers of the ESAs, a point my right hon. Friend touched on. Having received advice from a leading lawyer in that area, I understand that the ESAs will not have the power to take decisions or make rules because European law requires that those powers are reserved to the Commission, but they can issue guidelines based on their interpretation of the rules. Competent authorities will be obliged to make every effort to comply with those guidelines. The ESAs can also take action against national regulators that do not currently apply relevant EU legislation correctly. I would be grateful for the Minister's view on whether that interpretation of the ESAs' powers is broadly correct.

There is a possible concern about the distinction between regulation and supervision. The ESAs have the power to settle disagreements between national regulators, which leads to a point that is similar to the issue of action being taken against national regulators that do not currently apply relevant EU legislation: whether ESAs will in effect make individual decisions on individual market participants. One can imagine a dispute on a particular matter between two regulators or between an ESA and a national regulator. When decisions are made on an individual market participant, that looks an awful lot like supervision of an individual institution, rather than regulation. The Government's position on that is clear, and ECOFIN agreed that decisions that are specific to individual firms should remain the exclusive preserve of national regulators. There is a degree of uncertainty on the powers the ESAs will have, and uncertainty in that area is a real cause for concern.

Perhaps the most important red line the Government have identified is that the ESAs should not be able to take decisions that impinge upon the fiscal responsibilities of a nation state. The Governor of the Bank of England has said that banks are global when alive but national in death, because it is the national taxpayer who has to step in to bail [illegible] banks. There is a concern that there would be no [illegible]ocratic accountability if an ESA took a decision that effectively required national taxpayers to step in, and the Government have rightly said that that should be resisted.

However, article 10 of the Commission's proposals allows the ESAs to step in in an emergency, and article 11 allows them to step in when there is a dispute between regulators. The measures proposed by an ESA in such circumstances might have a fiscal impact for a nation state. Article 23 sets out an appeal mechanism, although it is not clear how that would work. That might take too much time, and we know from recent history how quickly we must step in when a bank is failing. If we are to step in, we must do so quickly, as we saw during the events of 14 months ago.

Also, the appeal mechanism set out in article 23 does not apply to article 21, which follows up on a recommendation made by the Economic and Social Research Council. The Government have said that it has been accepted all along that the fiscal position will be protected. If so, why has the Commission come up with proposals that seem simply to ignore what the Government claim has already been achieved in negotiation?

Regarding the Commission's ability to declare an emergency, thus giving the ESAs greater powers, on what criteria may an emergency be declared and how would the ESAs use that authority? With financial services we are in a global situation, not just a European situation, so it could be important for the UK supervisors to co-ordinate not only within the EU, but with US regulators such as the Securities and Exchange Commission or the Federal Reserve. Could the emergency powers, if declared, prevent the FSA or the Bank of England from taking immediate steps to co-ordinate with other countries? The restrictions on communications, for example, could be significant. Could it prevent the FSA or the Bank of England from taking immediate steps with regard to a UK entity? Inevitably, European institutions are likely to move more slowly than national institutions, as is the nature of things, so if that happens the Commission's proposals might slow down the ability of UK institutions to react and of UK financial regulators to co-ordinate with other institutions. The hon. Member for South-East Cornwall (Mr. Breed) spoke about unintended consequences, and there is a concern that an unintended consequence may arise here: in an attempt to strengthen prudential macro and micro-supervision, we may in fact inhibit regulators from taking effective action.

My hon. Friend the Member for Cities of London and Westminster (Mr. Field), as ever, spoke eloquently about the concerns of his constituents and of businesses located in his constituency. I am pleased that he discussed in some detail the alternative investment fund managers directive—again, I debated that point with the Minister in June. The proposals were poorly drafted and protectionist in nature, and they demonstrated a lack of understanding of hedge funds and private equity funds, and their significance. My hon. Friend was absolutely right to state that such funds were not the cause of the difficulties earlier this year. I would be grateful if the Minister discussed what progress has been made in addressing the concerns she outlined to the European Scrutiny Committee in June.

Finally, it is right that we explore the issue of the wider cost to the economy of the banking system's failure in the past few years and its fiscal consequences. At the weekend, the Prime Minister set out four proposals to address that concern, one of which was a transactions tax, or a Tobin tax, about which we have heard nothing in Parliament. Over the years, the Prime Minister himself and the Treasury have been extremely sceptical about such a tax, but the *Financial Times* reported yesterday that, of the four options that the Prime Minister set out on Saturday,

> "UK officials had initially suggested the transactions tax was the prime minister's preferred mechanism out of the four options he had raised".

The proposals were widely condemned by the US, the Canadians and the International Monetary Fund—I believe that all but the French condemned them. Indeed, the Treasury has recently been briefing against the proposal, and the *Financial Times* reported that, before the end of the weekend, officials had stated:

> "We're not that massively wedded to a transactions tax. We're not saying 'it's this or nothing' – we're saying we need a deal".

Never has a Government proposal been withdrawn so quickly. I would be grateful if the Minister took this opportunity to clarify the Government's position. Was the Treasury even aware that the Prime Minister would come up with the proposal? I ask that because the *Financial Times* stated that the Chancellor was understood to be frustrated by the Prime Minister's promotion of a proposal that he knew the US would have no choice but publicly to oppose.

This is an important area. This is not the place for short-term stunts that will get headlines, as the Prime Minister attempted to do at the weekend, yet further damaging his credibility. It is important that we have a Government who take a long-term view as to what is necessary for the financial services sector. It is also right that they fight our corner and ensure that European Union proposals are right for the UK. I hope the Minister can provide some reassurance that the Government have at least some of those attributes.

10.44 am

The Exchequer Secretary to the Treasury (Sarah McCarthy-Fry): It is a pleasure to serve under your chairmanship, Mr. Olner. I congratulate the right hon. Member for Wells (Mr. Heathcoat-Amory) on securing this debate. There could hardly be a better moment to discuss financial services regulation. I listened with interest to his speech and to those of the other hon. Members who contributed to this short debate: the hon. Members for Cities of London and Westminster (Mr. Field), for South-East Cornwall (Mr. Breed) and for South-West Hertfordshire (Mr. Gauke).

As the hon. Member for South-West Hertfordshire said, this debate follows on from European Committee B on 29 June. The Transport Committee took evidence last week from my noble Friend Lord Myners, and on 10 November there will be a Lords evidence session and debate on the matter. I believe that a debate is timetabled on the Floor of the Commons on the subject, so there will be an opportunity for further scrutiny.

I do not believe that anyone would suggest that more regulation of financial services is not needed. We need action to produce national and global solutions, and most of that will be delivered through the European Union and international forums. We have begun to raise the quality of financial supervision and regulation globally, but we are not there yet. There is more work to do, and a need for more regulation. We support EU regulation in new areas, more harmonised standards and a greater role for EU authorities in enforcing regulation and improving the effectiveness of supervision.

However, the need for more regulation cannot be met by just any regulation—it must be right. If we have regulation for the sake of it, we will suffer twice: from failing to remove systemic risk, and from increasing the costs to those who use the services, from small businesses to pensioners. We have to have high-quality decision making, and it is more important than ever to have an excellent evidence base, meaningful consultation and high-quality assessments of the impact on stakeholders.

The crisis has also taught us that regulatory arbitrage can introduce its own risks, so we must ensure that, wherever possible, there is global convergence of standards. We encourage the EU to play a greater leadership role in setting global standards. Many of the speeches and interventions by hon. Members have been concerned with the search for the right regulation—that is, regulation that is necessary, sufficient and effective. That is why I am glad that we are having this debate. A part of it has focused on EU regulation, so I shall start with that and then move on to national regulation. I shall try to answer as many points as I can in the time available.

The hon. Member for South-West Hertfordshire made a point about transaction taxes. In fact, the Prime Minister had raised the issue earlier, so I beg to differ with the hon. Gentleman. It was not a short-term stunt. The Prime Minister had previously raised an interest in such taxes and said that he was looking with interest at the French working party.

The Treasury's position has always been that imposing such a tax cannot be done by one country alone—we all accept that—and the US has said that it is willing to work with the International Monetary Fund as well. Nobody is saying that there would be an immediate solution, or that we will be able to come up with something straight away, but it is something that is worth looking at. The Treasury's position is that this cannot be done by one country alone. It would have to be global, and that is why a great deal more work must be done on it.

On European supervision, the Government strongly support moves to improve the quality and consistency of supervision, to ensure more effective rule-making and enforcement, and better to identify risks in the financial system. We strongly support proposals to establish the new European supervisory authorities, and to give them a strong rule-making role, a role in enforcing rules, a role in peer review to ensure high standards and an ability to settle disagreements between supervisors. We believe that such moves would improve the quality and consistency of supervision in the EU, and they are supported by the City and, in particular, cross-border institutions operating from London.

However, I am happy to reiterate that day-to-day supervision and crisis management arrangements must remain national, as it is only national Governments who can provide fiscal support to firms. That is why the Heads of Government agreed at the June European Council that the new framework should not impinge on member states' fiscal responsibilities, and that day-to-day supervision should remain national. As a result, it is clear that there can be no direct European powers over firms.

Mr. Gauke: I am grateful to the Minister for reiterating that point. Can she explain why the Commission came up with proposals in September that do not appear to respect the agreement made by ECOFIN earlier in the year?

Sarah McCarthy-Fry: I absolutely agree with the hon. Gentleman that in some areas the Commission's proposals do not respect the agreement that was made in June, particularly where they propose European powers over firms, and European crisis management powers. We need to bring the proposals back in line with what was agreed by the European Council in June.

There is interest in the legal issues in these proposals and the Government are well aware of the complex legal matters here. I do not want to go into the detail, but I will be clear: regardless of the technicalities, the Government's overriding objective is that the new framework must be able to withstand legal challenge. We cannot have legal uncertainty and challenges before the courts; that could undermine financial stability. So we are working closely with other member states and the Council legal service to ensure that the bodies are on a sound legal footing. In particular, we are looking at areas where the supervisory authorities can exercise discretion and where the Commission is seemingly playing the role of the courts. Both those areas are problematic, but in both the issues can be resolved.

Mr. Heathcoat-Amory: Clarity is essential here. Can the Minister assure us that the new supervisory authorities will not have powers of binding mediation over national authorities and, separate to that, that they will not have powers, even in an emergency, to tell national regulators and authorities what to do?

Sarah McCarthy-Fry: We do not support direct powers over individual firms. We expect the powers of mediation to be used where there are cross-border situations, but the overriding thing is that there are no powers where there are any fiscal consequences for Governments. That is the overriding principle here.

We know that there are outstanding issues and questions. However, this is a positive agenda for reform. The new framework will better protect consumers, help prevent financial crisis and improve efficiency for firms.

A question was asked about accountability. We believe that the ESAs will be accountable to national Governments through the European Council, but it is likely that they will also be accountable to the European Parliament. The Financial Services Authority will sit on the ESAs, so we will have a powerful UK voice there.

Members spoke about whether the EU response has been too hasty. It is important that we respond swiftly to the crisis, but I agree that such action should not be taken at the expense of high-quality regulation. That is why we are encouraging the Commission to adhere to best practice and conduct consultations and impact assessments on regulatory proposals for regulation of markets and firms. At the June European Council, the EC leaders gave a mandate for the proposals to be adopted swiftly so that the new framework could be fully in place in 2010, which is why the legislative proposals were produced at the end of September. As I have said, we intend that our Parliament should have a full opportunity to debate this matter.

At times the Commission may have been too hasty in issuing a proposal. For example, it was too hasty in respect of the alternative investment fund manager directive, which we debated earlier at the European Scrutiny Committee. We agree that the Commission did not conduct a proper consultation or a robust impact assessment on that directive with stakeholders. We have made it clear that this is not an acceptable approach to drafting legislation, because it has resulted in a poorer-quality proposal that has led to more difficult Council negotiations. The European Parliament has said that it will carry out its own impact assessment on the proposal. I confirm once again that there is nothing to suggest that hedge funds or any other type of fund were a major contributor to recent market events.

Having a high-quality evidence base will also maximise the influence of the EU on the international stage with our international partners and will better enable the EU to attain international regulatory convergence.

Mr. Mark Field: I am glad that the Minister has confirmed what I said earlier: hedge funds and alternative assets played no fundamental part in the credit crunch and the financial problems. But the suggestion that the EU will now have much more international influence surely is undermined by what has happened, because it is clear that it was not economic or financial issues at stake, but the raw politics, particularly in respect of one or two of our continental partners who saw this as an opportunity to clip the wings of the City of London, rather than to focus on what would be good for consumers, both in the EU and globally.

Sarah McCarthy-Fry: Our position is that any regulation, as well as managing systemic risk, has to be good for consumers. There are aspects of the proposal as drafted that could impose large costs and restrictions on fund managers, which is why we are engaging actively with stakeholders in the UK industry, with the Commission and with other member states to develop and make the case for amendments to the directive.

Based on discussions so far in Council, we believe that many member states are keen to make the improvements. My noble Friend Lord Myners has personally committed a substantial part of his time to achieving a good outcome for the UK on the directive. He has had useful discussions with many of the stakeholders, including Members of the European Parliament, the Swedish presidency and his Spanish counterpart. Our overall impression is that most member states are approaching these negotiations with a positive attitude and a desire to avoid unnecessary regulatory burdens. We expect the presidency to aim for a general consensus in Council for a redraft of its directive by the middle of December, so that negotiations with the European Parliament can start.

On the UK and systemically significant firms, in our July 2009 paper, "Reforming financial markets", we set out a number of measures for dealing with systemically significant and often complex financial institutions whose failure could represent a significant threat to financial stability. These measures include strengthened market discipline, better corporate governance, policies on remuneration to ensure that risk is better understood, and enhanced prudential supervision by the FSA. Those measures should go some way towards reducing the probability of firm failure. But we are not proposing to pursue a zero-failure regime, which would be neither realistic nor desirable. It is equally important that, where firms reach the point of failure, the authorities can intervene and, if necessary, resolve the situation with a firm in a way that does not damage the wider financial system and put the public finances at risk.

First, we propose improvements to the overall framework, including enhancements to market infrastructure in key markets to reduce the likelihood of contagion effects. This is crucial where a systemically important firm is allowed to fail. Secondly, we propose stronger resolution arrangements. Improvements have already been made to the regulatory toolkit for winding down failed firms, for example, through the Banking Act 2009. We will legislate, in the forthcoming financial services Bill, to ensure that firms themselves must make recovery and resolution plans to manage their own failure. Those plans will reduce moral hazard. The aim is to reduce the possibility of firm failure, which is the recovery element, and then reduce the impact of firm failure, if it occurs, on the wider financial system, the economy and the public finances, which is the resolution element.

Questions were asked about the proportionality of the FSA's regulation of firms. The FSA supervises firms according to the risks they present to its statutory objectives. As in any risk management, risks are assessed in terms of their impact and their probability. The nature and extent of the FSA's supervisory relationship with a firm depends on how much of a risk it could pose to the FSA's statutory objectives.

The hon. Member for Cities of London and Westminster asked about the regulation of savings and investment products and the worry about over-regulating small firms. The FSA's retail distribution review is addressing structural problems in the distribution of savings and investment products. We have welcomed the FSA's comprehensive review and its positive engagement with stakeholders. The aim of that review is not to over-regulate small firms that do not pose any systemic risk, but rather to address structural problems in the distribution of savings and investment products.

On the suggestions that some have made about a Glass-Steagall-type split between retail banking and investment banking activities, we do not believe that the case has been made for that. First, it is difficult to do. Secondly, if it were feasible it probably would not be enough. Separating investment and commercial banks would not insulate pure deposit-taking institutions from the failure of a large investment bank: Lehman Brothers showed that that was so. Thirdly, it implies that all the risk lies in investment banking. However, we know that it is not just investment banks that involve risk. The recovery and resolution plans or the living wills are key tools with which to mitigate the risk and promote long-term financial stability.

In my introduction I mentioned the importance of getting the balance right. We have already seen the dangers of too little regulation, but in these times there is not enough confidence, and confidence can only build if the regulatory framework is sound. Too much regulation brings its own risks, not just of stifling the recovery, but of penalising some financial services that allow firms to manage their own risk. Only if we get this balance right will we succeed in our goal of making the single market the most competitive, efficient and stable financial market in the world.

Cyprus

11 am

Mr. Andrew Dismore (Hendon) (Lab): A debate on Cyprus after a Friends of Cyprus visit to the island now seems to be a part of the House's annual calendar. I draw attention to my entry in the Register of Members' Interests for the visit.

The fact that we are here, year after year, could imply that there has been no progress, but that would be wrong. However, such progress as there is is painfully slow, and the clock is ticking ever more quickly against the prospect of a settlement. During our visit, we saw more than 50 people and held almost 40 meetings. Those visits were to both sides of the green line, and we saw elected politicians, officials and civil society.

There is a clear lack of a pro-solution culture throughout the island, perhaps reflecting the media coverage, and pessimism abounds. Neither side has a strategy to prepare their people for a solution or to support the talks, but there are many initiatives, contacts and co-operative ventures, which are encouraging. We need more events such as the recent bi-communal evening in Pyla. There is a dangerous belief in the south that if the negotiations fail, another United Nations initiative will come along in due course, albeit starting from a worse position, rather than seeing this as the last sketo in the kafenio, which it certainly is, and may well be for many years if there is no success. We are already half a decade on from the failure of the Annan plan.

There are "nevers" on both sides with very loud voices. Although they do not represent the majority view of either population, their influence is persuasive and in many instances malign. Although the talks do not have a timetable, there are natural deadlines in the immediate future, including the European Union review of Turkish accession and, more importantly, elections in the north in April 2010 when Turkish Cypriot leader Mehmet Ali Talat will be up for re-election.

Bob Spink (Castle Point) (Ind): The presidential election in the Turkish-occupied north in April clearly shows that an artificial deadline would probably not be helpful. Does the hon. Gentleman accept, nevertheless, the imperative to get a fair settlement as soon as possible, because the massive movement of Turkish people from Turkey to settle in Cyprus without the language or Cypriot affiliations will make a settlement increasingly more difficult as time goes on? In that event, the main losers will be the Turkish Cypriots.

Mr. Dismore: The hon. Gentleman makes an important point, but the deadline is not artificial; it is a natural deadline that comes with the normal electoral process.

Both sides have been issuing unhelpful statements that provoke each other, and rhetoric from the north can only magnify as the April elections approach. Positive statements from either side receive little coverage. There is a general decline in optimism throughout. Of those involved in the negotiations, the most optimistic person was Turkish Cypriot negotiator Ozdil Nami, but that was not saying a great deal. There is a general and accurate view from every independent commentator that if these two leaders cannot do it, no one can.

The negotiations received a boost following PASOK's election results in Greece and George Papandreou, in his Foreign Minister role, paying his first overseas visit to Turkey, closely followed by his visit to Cyprus as Prime Minister. Although Greece's fundamental policy of supporting the Republic of Cyprus's negotiating position will not change, we will see a more active foreign policy approach from Greece, including improving relations with Turkey, which is all to the good.

During his visit to Turkey, Mr. Papandreou said to Mr. Erdogan, the Turkish Prime Minister, that

> "we must free Cyprus of dependencies and its motherlands, occupation troops, divisions and walls which have no place in the European Union".

That view resonates with Nicosia, the last divided city, during this week of the anniversary of the fall of the Berlin wall.

Mr. Andrew Love (Edmonton) (Lab/Co-op): Does my hon. Friend agree that the guarantor powers, particularly Greece and Turkey, have a critical role, not just because of the history of the conflicts in Cyprus, but because both communities look to the guarantor powers for succour? It is critical that they take a more active engagement in the current negotiations.

Mr. Dismore: I shall speak about the treaty of guarantee, but it is correct that both sides look to what they consider to be their motherland. I also believe that George Papandreou is right to say that Cyprus must be freed from the influence of the motherland, which has not been entirely beneficial throughout Cyprus's independence.

Among Cypriots on the island, there is a generational problem. Research a few years ago showed that two thirds of Cypriots who are alive today were not alive in 1974, and know no bi-communal way of living. One of our visits was to the English school, which now admits Turkish Cypriot pupils, who account for about 15 per cent. of the total. It was rather depressing to talk to Greek Cypriot teenagers, who generally seem to be satisfied with the status quo, and not particularly enthusiastic for a solution. Although Turkish Cypriot students at the school are learning Greek, there is no take-up whatever of Turkish lessons by Greek Cypriot students. Turkish Cypriot students seem to be isolated. The school is working very hard to break that down, but there is a xenophobic undercurrent on both sides of the green line. There are no school exchange programmes across the green line because of recognition and passport issues. Heads could deal directly with schools across the line, but there is a likelihood of a parents' backlash.

Friends of Turkey are wrongly perceived as Greek Cypriot enemies. Greek Cypriots must influence Turkey's friends positively to influence Turkey in turn. The object should be not to punish Turkey in the EU, but to press the EU to assist Turkey to help herself.

David Lepper (Brighton, Pavilion) (Lab/Co-op): I declare an interest, which is in the Register of Members' Interests. Does my hon. Friend agree that the December assessment of Turkey's progress towards EU accession offers an excellent opportunity for the other guarantor power—the United Kingdom—to make it clearer exactly what it expects of Turkey on, for example, Famagusta and the ports?

Mr. Dismore: My hon. Friend makes an important point, and I hope to say a little about the EU accession process.

There is a real need to create a pro-solution culture, and to talk not of "the other side" but of "another side" of the debate. America has a key role in persuading Turkey of the need to pave the way for a Cyprus settlement to fulfil her EU aspirations. President Obama's Nobel prize for peace could be well earned on the island.

Regrettably, there is continuing lack of confidence-building measures. The two military exercises—Nikiforos and Tavros—were both cancelled this year, as they were last year, and those decisions by both sides were extremely important and welcome, but there is little else to show. The constructive work of the technical committees has not been taken forward through confidence-building measures by either side, and I commented on that during last year's debate.

Many of the practical agreements that could ease day-to-day life for all concerned could be implemented, but neither side is keen to do so for different reasons, except on heritage, where good work is being done. There has been slow progress on the new crossing points, with contracts for joint work now being let to build the road and crossings for Limnitis, funded by the United States and the EU.

Mrs. Theresa Villiers (Chipping Barnet) (Con): Does the hon. Gentleman agree that there is an urgent need to press ahead with locating the remains of missing people, to give their families the truth about what happened to their loved ones?

Mr. Dismore: The hon. Lady is correct, and I hope to speak about that.

There has been little to show on the ground at Ledra street towards the essential building restoration or withdrawal of the Turkish army, but we were told that the next phase to make safe the buildings and their facades at least will go ahead from about now. Although not strictly a confidence-building measure, Stelios Haji-Ioannou of easyJet has offered €1 million in grants for joint bi-communal business ventures. The Association for Historical Dialogue and Research has developed material for schools on both sides of the green line to discover old Nicosia.

At the same time as moves are being made towards multicultural education and a new history syllabus in the Greek-medium state schools in the south, steps are being taken in the north, such as replacing text books, promoting the teaching of Islam in schools that were secular, a change of terminology from "Turkish Cypriots" to "Turks of Cyprus", and a ban on the Cypriot Turkish dialect in the media in the north. The joint proposal of the two mayors of Famagusta for restoration of the old city and the surveying of Varosha, which would be a welcome confidence-building measure, has fallen on deaf Turkish ears. However, work on missing persons is going ahead, and I will speak about that later.

Progress on the negotiations has been slow until now, and has pretty well avoided the difficult issues. President Christofias is circumscribed and is not supported in the negotiation by EDEK and DIKO, his coalition partners. There has been considerable development on governance issues, with constructive proposals for a rotating presidency, but with disagreement as to the method of election, although there are prospects for further progress.

Differences remain substantial. The Turkish Cypriots say, for example, that the federation should not have a foreign policy function. They want a veto throughout decision making, not just at the end. They also want separate institutions. There has been progress on matters relating to the economy and the EU, but on the most difficult issues—property and territory, which are clearly interlinked—there has been little progress.

President Christofias has attempted to move the settler issue on by restating that 50,000 Turkish settlers in the north should receive Cypriot citizenship in a settlement. That is not a new concession, having been proposed in previous negotiations, but it is not accepted by DIKO. Mr. Erdogan did not help by denying that there were any settlers, saying that

"they are citizens of TRNC"—

the Turkish Republic of Northern Cyprus.

An additional complication is the question of the treaty of guarantee. President Christofias has said that it is anachronistic and should go as part of any solution. For the Turkish Cypriots, however, the treaty of guarantee is a red line. There could be other ways of guaranteeing a solution and security for both Greek and Turkish Cypriots, but that is a very difficult one to bridge. One option suggested to us is for the treaty of guarantee to be phased out with Turkish accession to the EU, and for a treaty of implementation for the specific details of any settlement to be considered.

I was pleased to read, in the answer to my parliamentary question on the point, that the UK will not be an obstacle on the issue of security and guarantees. It seems to me that there are three issues requiring guarantee in the event of a solution. I am referring to a political guarantee for the indivisibility of the federation, which the EU can provide, and a guarantee for the implementation of the agreement, which could be a UN Security Council resolution. The most difficult issue is the personal security guarantee, including the removal of Turkish troops and the future role of UNFICYP—the UN Peace-Keeping Force in Cyprus. UNFICYP's role could be a new mandate to support implementation and federal policy. To see what could be done and, equally, where UNFICYP went wrong from the outset in 1964, I recommend Martin Packard's diary of 1964, "Getting It Wrong". He was working on a tripartite basis to try to bridge the gap in the troubles of '63 and '64.

It is something of a paradox that Turkey has a seat on the UN Security Council while continuing the occupation of northern Cyprus. It seems very much as though the current effort is the last throw of the dice for the UN. It sees the natural timetable to which I referred: if progress is not made by next April, the UN may well call it a day. The Turkish Cypriots would like the UN to act as arbitrators, although that is complete anathema for the Greek Cypriots post the Annan plan. Annan changed 60 points to create the final and fifth plan, which led to its ultimate rejection.

Mediation might be a more appropriate way of analysing what the UN should do, but that role has been badly compromised by a professional hacking job into the UN team's computer and the downloading of all the internal UN memorandums and e-mails, which are

[Mr. Dismore]

being gleefully published on the drip in the rejectionist *Phileleftheros* newspaper, with the clear intention of undermining the process. Instead of condemning the hacking, the Cypriot view was that UN Special Representative Alexander Downer should be more careful. That was a most outrageous attempt to derail the talks and interfere with an international body that is there to assist. The perpetrator of the crime—for that is what it was—has not been identified and dealt with firmly, as should have been the case. In the north, people see a degree of irony, as they remember the Turkish "deep state" leaking e-mails from pro-solution Turkish Cypriots.

The UN team has been strengthened by the appointment of Leopold Maurer as Mr. Barroso's special representative to advise the UN team on EU acquis issues. There is a further new appointment for a team member to engage with Cypriot women's organisations, recognising that, proportionately, women voted no to a greater degree than men did in the Annan referendum.

UNFICYP continues to play a key role. It is still needed because the green line is inherently unstable. Minor incidents are stamped on very hard, and UNFICYP believes that without it, there would be a very rapid escalation into hostilities. UNFICYP continues to estimate the strength of Turkish forces on the island at about 25,000—many fewer than the 35,000 or more claimed by both sides.

The next UK troop rotation will bring a Territorial Army unit from Northern Ireland to Cyprus, which should be interesting, considering the experience in Northern Ireland.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): Is my hon. Friend aware that part of any settlement could be that the people who were displaced from their homes have a legal right to go back and claim that property? British people who have bought such property may be unaware of that, so there is a responsibility on those selling property in the northern part of Cyprus to British people to let them know that it is a distinct possibility.

Mr. Dismore: My hon. Friend makes an important point, and I will say a little about property shortly.

We should acknowledge the cost of Operation Tosca—the UK contribution to UNFICYP—to the UK taxpayer. That subsidy from the UK to the island is often overlooked. Last year the cost was £16 million, of which only £2.5 million was reimbursed by the UN. I was pleased to hear that the refurbishment of the Ledra Palace hotel, used to accommodate our troops, is pretty well complete. That was long overdue—I raised the matter a couple of years ago—and it has been done at no cost to the UK taxpayer.

We were very impressed by the new EU Commission representative, Androulla Kaminara. She is very enthusiastic and energetic and is doing a great deal to try to improve the knowledge of the EU, particularly in respect of the north. The lack of knowledge and understanding of the EU in that regard has been a considerable barrier to the talks. As a consequence of that and other factors, including a general lack of progress as perceived by Turkish Cypriots, confidence in the EU has been waning in the north.

The €259 million has not had the impact hoped for, as it has taken so long to disburse. Years on, by the end of September 2009, €134 million—just 52 per cent. of the programme—had been contracted. Although the expectation is that the rest will be by the end of the year, that is still short of delivery of the projects involved, and those projects are not potentially visible either.

Mr. David Burrowes (Enfield, Southgate) (Con): I thank the hon. Gentleman for securing this annual debate, in which I welcome the opportunity to participate. Does he share my concern that those euros should also be spent on restoring the cultural and religious heritage, which has been ignored or decimated in many places? Would he also like to pick up on, as he did last year, the visit that he and I made in relation to the four Maronite villages in the north? Particularly in terms of the villages of Agia Marina and Asomatos, there is a lack of access for the Maronites to worship, and it is important for confidence building that access is given.

Mr. Dismore: The hon. Gentleman is right. It is important to remember when we talk about a bicommunal island that in fact there are more than two communities in Cyprus. The Maronites, the Armenians, the Latins and even people from the UK form part of the community of Cyprus. The hon. Gentleman is right to remind us of the particular minority to which he referred.

One of Ms Kaminara's initiatives is to take editors of newspapers and broadcast media from both sides of the green line to Brussels and encourage them to be better informed about the EU. One issue that we came across concerned the bicommunal Nicosia master plan and, in particular, the need for work in the buffer zone. EU grants for work for the north have to go through the enlargement directorate, and for the south through the regional development directorate. That means that it is virtually impossible to do anything useful in the buffer zone, because the two sources of funding do not seem able to talk to each other. For example, surveying work is needed to work out what could happen after a solution. That should be resolved within the Commission.

The key question for the EU, though, is its role in supporting the negotiations and, in particular, the attitude that it takes towards the December Turkish accession review. Lord Hannay, writing for the Centre for European Reform, commented that Turkish EU accession is inseparably linked to a Cyprus solution. I would put it the other way round. Although a solution should not depend on Turkish accession, a solution would undoubtedly help Turkey's EU hopes, and Turkey will not accede without a solution.

It seems inevitable that there will be the usual EU fudge, which will seriously anger Greek Cypriots who are expecting leverage on Turkey, which they believe gets away with everything, including non-compliance with international agreements such as the 2005 declaration and the Ankara protocol, on which there has been no progress at all. In that context, it is important to remember that the ports were open from 1974 to 1987, including four years after the TRNC's unilateral declaration of independence. We are therefore talking about an economic sanction, not a recognition issue; it was not a recognition issue during those four years. The offer from the Republic to Turkish Cypriots was that Famagusta port could be reopened under EU management and that they could use Larnaca under EU control too, but that was not accepted. There has also been considerable harassment by Turkey of oil exploration vessels not flagged by the Republic but working under its licence.

If the European Council decides to avoid standing up to Turkey, the least worst option would be for the EU to put the review on hold for six months, in the light of the negotiations, to see whether any progress is made by April, because if there is no progress by then, there probably never will be. At that stage, Turkish accession aspirations would in effect be in an indefinite limbo, as there would be inevitable blocks on further progress on acquis chapters.

Property issues are fundamental to the outcome of the negotiations. According to the most recent press statements from President Christofias, the sides are not ready to discuss the issue in depth, although some convergence has been achieved. The issue is inevitably linked to the territorial settlement, because the more territory that goes back to the Greek Cypriots, the fewer people would then have to consider living under Turkish Cypriot administration. The two sides are starting from diametrically opposed positions on property, but I suspect that in practice the net results of either proposal would not be far apart.

The Turkish Cypriots expect a dirigiste system, with maximum numbers laid down as to, for example, the number of Greek Cypriots who would be allowed to return to live under Turkish Cypriot administration and the amount of property that would be owned by Turkish Cypriots as opposed to Greek Cypriots. The Turkish Cypriots would seek derogations from the acquis to institutionalise these, but it seems to me that any such derogations would be bound to fail, either because they were too rigid and would prevent inward investment or because they were too lax and would be easily avoided.

The Greek Cypriot position starts from the recognition of individual property rights and the fact that everybody should be able to make their own decisions. The hierarchy is: first, restitution; secondly, choice of exchange; and thirdly, compensation. It is for the state to provide for the current user. In theory, Mr. Talat accepts individual property rights, too, but he wants superior rights to be given to the Turkish Cypriot occupier, rather than the Greek Cypriot owner of a property. He wants no restitution, although he would accept an Annan-based formula.

George Lordos's research and consequent proposals are interesting and worthy of further consideration. His view is that individuals should be allowed to make their own minds up during a three-year hiatus, but they could be influenced, for example, by tax concessions and speeded-up planning permissions to encourage them to exchange property north and south. That is based on the principle that few Greek Cypriots would in practice want to live under a Turkish Cypriot Administration. Furthermore, most Turkish Cypriots who were previously allocated Greek Cypriot properties in the north own homes and land in the south, although that would not, of course, apply to Turkish settlers. Some people would need to be rehoused, but bearing in mind the respective balance of property and the value of property in the north and south, the cost could be manageable. Compulsory denial of rights would be avoided or at worst minimised. Residential ownership rights could be ranked, for example, by reference to whether the claimant originally lived in the property.

The court cases proceed in the European Court of Human Rights, where Turkey has received a battering. The Court will consider the question whether the Turkish Cypriot property commission is a valid domestic remedy on 18 November, although the judgment is likely to be many months off. Over the past three years, Greek Cypriots have lodged 422 cases with the commission. Seventy-five cases have been resolved, including five with restitution. Generally, compensation is paid at between only 5 and 10 per cent. of the value of the property, with nothing for loss of use. So far, total compensation is of the order of £35 million. The Orams case has obviously had an impact, but it has been misplayed by the Turkish Cypriots, who could have used it to illustrate that there was a real problem on property, which necessitated a solution, rather than to attack the judges for their findings.

There is also the question of the cost of compensation, should anything other than restitution or property exchange be the norm. The first question is where the billions necessary would come from; the second is what impact the huge sums that would be put into circulation as a result would have on the island's economy. If all the property in the north was subject to expropriation and compensation, the bill would be unaffordable.

One issue that the UK should help to resolve is the Turkish Cypriot claim to 55 per cent. of Varosha, which is based on the fact that the land belonged to EVKAF—the Board of Pious Foundations in Cyprus—before independence. In 1960, however, the UK provided £1.5 million to pay off that claim as part of the independence settlement.

The Turkish Cypriot economy is nothing short of a basket case and is heavily subsidised by Turkey. Over the past six years, according to Prime Minister Erdogan, it has been subsidised at an average of $523 million per year. In 2009, the figure was $815 million—a huge drain on Turkey's economy. There is still little trade across the green line. Most of the money going north is made up of remittances from Turkish Cypriot workers who are taking their wages back.

There is unrecorded trade to evade tax, as well as illegal trade in prohibited items, such as animal products. There is Greek Cypriot consumer resistance to goods that many say are produced through the use of stolen property. Business sources in the north tell us that Turkish army base retail outlets undercut Turkish Cypriot businesses in the sale of consumer goods, including foodstuffs, at prices well below those in legitimate Turkish Cypriot shops. The Turkish Cypriot minimum wage is also undercut by businesses in Turkey's immediate southern coastal area, where there is no minimum wage. The construction boom, which was fuelled by post-Annan development on Greek Cypriot land, has ended, in large part because of the consequences of the Orams case and the world economic downturn.

There remain huge human rights issues in the north. Turkish Cypriot secular culture is clashing with settler culture. The CTP—the Republican Turkish party—did badly in the parliamentary elections last year as a consequence of its decision to try to implement the EU acquis in the north, which brought hardship to Turkish Cypriots, with no real benefits, as they saw it, from the EU.

[Mr. Dismore]

There is unrest and industrial action against the UBP—the National Unity party—Government of Mr. Eroglu. That is now worsening and could be compared to the unrest that took place before the opening of the green line, although this time without the participation of the CTP. Hospitals, ports and even Parliament have been closed by strikes. That has partly been caused because Turkey's economic subsidy is under pressure, with the unjustifiably large number of public employees in the north being questioned. It also has a lot to do with the increasing numbers of people migrating from Turkey.

In the absence of a solution, things do not look good for Mr. Talat's re-election prospects. If Mr. Talat loses and Mr. Eroglu wins, it will be hard for President Christofias to negotiate with Mr. Eroglu, although Turkey will still have the final say. Even at a practical level, Mr. Eroglu does not speak English. On the policy level, he is much more hard-line than Mr. Talat on issues that make no difference to Turkey, but which are vital to achieve a workable solution. The general view is that if there is no settlement before the election and Mr. Talat loses, the negotiations will be at an effective end.

The UN Committee on Missing Persons continues its work, although there is a significant backlog in its anthropological laboratory on the piecing together of the various remains. None the less, the committee told us that it was not really practical to expand the operation. Altogether the bicommunal teams have exhumed 570 sets of remains from both sides of the green line and returned the remains of 179 people to their families—135 Greek Cypriots and 44 Turkish Cypriots. They are perennially in the hunt for money, requiring between €2.2 million and €2.4 million a year to function. The EU has just given the teams €2 million for the next two years, but they are still €1 million short for next year. Since the committee started its work many years ago, the UK has given it $159,000, but it is a long time since we last gave it a grant, and it is time that we gave it another one.

Last summer, the remains of several high-profile victims were identified, including the five Cypriot national guardsmen who were depicted kneeling in fear in the infamous picture taken by a Turkish photographer. There was an outcry from some politicians in the south, although the bereaved families maintained a dignified silence. However, the political response led to a reaction from the Turkish army, which has withdrawn from its tentatively developing approach of permitting excavations on military land and reverted to its original non-committal wait-and-see position of proceeding after all civilian sites have been exhausted. Previously, the army said that it would consider a case if it had been documented, but there have been no excavations on military land so far.

Mr. Love: Does my hon. Friend agree that confidence-building measures, such as providing funding for work on missing people and joint ventures between the Greek Cypriot and Turkish Cypriot communities, are hopeful signs that people are coming together on Cyprus? Should not the British Government do more to foster and sponsor such activities?

Mr. Dismore: I am grateful to my hon. Friend for his comments and I entirely agree. I hope that the Minister will be able to find a little cash in the Foreign Office budget to provide the initiatives that I mentioned with at least token support, if not more substantive support.

There are strong rumours, which have been reported in *Kathimerini* and *Afrika*, that up to 1,000 Greek Cypriots from the Kyrenia area could be buried at a major military site at Lapithos. Journalists are investigating that military zone, which is apparently mined.

The European Court of Human Rights case of Varnava has been decided in the grand chamber. It was ruled that Committee on Missing Persons work is inadequate for an investigation into compliance with article 5, which requires a proper inquiry into deaths at the hands of the state, and Turkey will have to respond to that. However, the Court imposed a limitation block on any new cases, except those brought to it soon after remains are partially identified to families.

Relatives are agitating for more information about the circumstances of deaths. In addition to the missing, there are 1,000 known Greek Cypriot dead, including 500 in the north, and 30 Turkish Cypriot known dead whose bodies have not been recovered. Nowadays, such people would be classed as missing. The committee's total objective is therefore to deal with the cases of about 2,200 missing and known dead.

Any discussion about Cyprus inevitably raises the question whether Turkey is the key to a solution. The Greek Cypriots complain of Turkey's provocative statements, such as Mr. Erdogan's recent comments about two republics, two states and two peoples. Mr. Talat probably has more room to manoeuvre than is generally accepted in the south, although in the end Turkey will undoubtedly have to approve any agreements, particularly on security.

There remains, of course, the issue of the military occupation. Clearly, there have recently been rapid foreign policy developments in Turkey under Prime Minister Erdogan—for example, towards Armenia and Israel and on broadcasting in Kurdish. Given that Turkey is not as yet an entirely democratic country, it can switch its positions fast.

Some trade is taking place. In 2007, exports from Turkey to the Republic were worth $1.4 million, while exports from the Republic to Turkey were worth $8.6 million. However, that is only a tiny fraction of what would be possible if we had a solution that opened Turkish ports and markets to Cypriot trade. Turkey has said that it would like to see a solution by December, and we will have to see whether it makes any concessions by then, although it has now conceded that there will not be a settlement by the year end and it maintains that the negotiations cannot be open-ended.

One thing that I have not mentioned is the peace dividend, which would be substantial in terms of the island's economy and the income of individual families. The International Peace Research Institute in Oslo found that the benefit to the island of a solution would be €1.8 billion per year—equivalent to €5,500 for every family every year. A solution would create 33,000 jobs and 3 per cent. GDP growth over seven years in real terms. The benefits of success would result in not only an economically thriving Cyprus, but wider regional stability.

To conclude, the choice, which is still not accepted in the south, is really between a settlement, if one can be negotiated, and the drift to partition, under the status quo. However, the situation is not a status quo. It is changing in a negative direction, year by year, as more development takes place in the north and there are more settlers, and as more Turkish Cypriots emigrate and the demography changes, with an increase in the number of young people who have no knowledge of the other side, compared with those who lived bicommunally before 1964 and 1974.

The International Crisis Group has commented that failure will lead to de facto partition. Martti Ahtisaari, the 2008 Nobel prize winner, writing for the Independent Commission on Turkey, also believed this to be the last chance. Failure will mean that Cyprus is likely to slide into hostile partition, with further strain on the EU-Turkey relationship, new frictions in the eastern Mediterranean, damage to EU-NATO co-operation, acceleration of Turkish Cypriot migration and continuing questions over the future of UNFICYP. Plan B for the Turkish Republic of Northern Cyprus if the talks fail seems to be to press the EU to reopen issues of trade, and to seek recognition, probably in the first instance, from Islamic countries.

The 50th anniversary of Cyprus's independence from British colonial rule will be marked in 2010. Throughout its short history as an independent country Cyprus has been subjected to outside pressures and division: Enosis and EOKA-B, Taksim and Turk Mukavemet Teskilati, bicommunal villages divided, the Greek junta-backed coup against President Makarios and the Turkish Cypriot invasion and occupation, with the green line splitting the island. Time is running out and surely now is the time, after so long, for the lasting settlement that is the birthright of all Cypriots, to enable them all to live in peace, security and prosperity.

Mr. Bill Olner (in the Chair): Two hon. Members are waiting to speak in the debate. It is a very important subject and I want the party spokesmen to have adequate time to sum up, so I intend to call the Liberal spokesman at 11.55.

11.31 am

Mrs. Theresa Villiers (Chipping Barnet) (Con): I congratulate the hon. Member for Hendon (Mr. Dismore) on obtaining the debate, and draw the Chamber's attention to my entry in the Register of Members' Interests about a recent visit to attend the Morfou rally in Cyprus.

During a week when across Europe we are celebrating the incredible day in 1989 when the Berlin wall came down, it is right and timely to consider Europe's last divided capital, which is of course in Cyprus. It may now be possible for Cypriots to cross the green line, but it still divides Cyprus in a deeply painful way, not least because it still prevents the refugees who fled in the face of the 1974 invasion from returning to their homes.

The fact that a European country, now a full member of the EU, was forcibly partitioned 35 years ago should be a matter of huge concern and regret for world leaders as they meet to celebrate the upsurge in freedom that occurred when the Berlin wall was brought down by people power. The fact that Cyprus remains partitioned after 35 years is nothing less than a tragedy. We should not forget, of course, that the wall divided Berlin between 1961 and 1989—a mere 28 years, which is seven years less than the green line has divided Cyprus.

I do not suppose that *Hansard* is regular reading for the world leaders in question, but I hope that they will listen to our pleas to use this week's celebrations as an opportunity to give a push to the search for a just, lasting and balanced settlement, to reunite Cyprus. I hope that they will recognise that although the international community—the UN and the EU—can help by facilitating and encouraging the finding of a solution by Cypriots, willingness on the part of Cypriots to negotiate is not enough. If Cypriots are to reach a settlement to reunite Cyprus, Ankara needs to give them the freedom that they need to make their own choices about their own country. If we are to achieve the goal of a peaceful and united Cyprus, we need to demilitarise the island. A just, lasting and peaceful settlement is incompatible with the location of thousands of Turkish troops in the country.

Mr. Burrowes: My hon. Friend has made her point about the division clearly. That division is nowhere clearer than in Nicosia itself—a divided capital. Is it not unacceptable that there should be that division in a European state? We have been commemorating the reunification of European capitals; is not reunification something that should happen in this context?

Mr. Bill Olner (in the Chair): Order. That was a long intervention, and the hon. Gentleman is hoping to be called next.

Mrs. Villiers: I am grateful to you, Mr. Olner, and to my hon. Friend for an intervention with which I wholeheartedly agree. Those issues were one reason for my writing to the Prime Minister and Chancellor Merkel this week, to ask them to use this week's celebrations as an opportunity to push forward with progress towards a settlement, and to put pressure on Ankara. They need to make clear to Ankara that it is vital for it to comply, first, with its obligations under the Ankara protocol to open its ports and airspace to Cypriot aviation and shipping; secondly, with the UN's repeated resolutions calling for freedom and justice for Cyprus; and thirdly, with the repeated resolutions of the European Court of Human Rights on Cyprus. Only when the Turkish Government do that will we see freedom and justice for Cyprus.

I want to keep my remarks short as I know that many others are pressing to take part in the debate, but I reiterate that it is vital to get progress on locating the remains of missing persons. That is one of the saddest and most distressing aspects of the division of Cyprus—that after 35 years, the remains of only 10 per cent. of the missing persons have been located.

During my recent visit to Cyprus for the Morfou rally, it was my great privilege to meet several relatives of those who are missing. It was also a privilege to meet them in north London, a few days ago, at an event organised by Conservative MEP Marina Yannakoudakis. The matter is one of real distress for those people. We need the truth quickly; sadly, many of the relatives of those who are missing will not be with us for much longer. They need the truth about what happened to their loved ones 35 years ago; that is a key part of pressing forward with a solution in Cyprus. Such a solution could be of major benefit to all Cypriots, regardless of the community from which they come.

11.36 am

Mr. David Burrowes (Enfield, Southgate) (Con): It is a pleasure to take part in the debate, and I pay tribute to the hon. Member for Hendon (Mr. Dismore) for securing it. I welcome the new Minister for Europe to the debate. We have had a change of envoy and several Europe Ministers in a short period, which has not necessarily helped with our focus on the Cyprus issue, but I welcome the fact that the Minister, like previous Ministers, is committed to making an early visit to Cyprus. It is important that, among all the competing priorities, the concerns about the need to reach a solution should be heard loud and clear.

I declare an interest, to the extent that I visited Cyprus last year as part of the Friends of Cyprus delegation; there is also a primary interest in my constituency, where I represent a large number of Greek and Turkish Cypriots, to whom progress is a matter of vital concern.

Other hon. Members have mentioned the positive attitude of the leaders, and their engagement in talks. Their relationship is perhaps one of the best aspects of the situation as we look to make progress. Their personal commitment is no doubt sincere, and it is something that we should all support. It is important that all noises off, outside the negotiations, should be sensible and positive, and be built around the UN framework. It is therefore also important that Turkey should play its part. Noises off about confederation are not welcome in the context of pursing the bicommunal, bizonal federation solution.

The report from the UN Secretary-General is also welcome. He welcomed the constructive dialogue between the leaders and made the point, mentioned in this debate, that the status quo, which is leading further away from a solution, is unacceptable. A settlement becomes harder with each day that passes without a solution. An increase in the frequency of talks is welcome, and the fact that they now take place twice a week is a sign of real progress, but it is also important to recognise the point made by the Secretary-General. He said that the need to rationalise the process to deliver results and bring negotiations to a successful conclusion is becoming more pressing.

Where can the results be seen? My hon. Friend the Member for Chipping Barnet (Mrs. Villiers) mentioned the work of the Committee on Missing Persons in Cyprus. That is one of the lights in the darkness of the Cyprus problem. When I visited Cyprus last November, I saw the great progress that the scientists had made in that most welcome of bicommunal projects, and how hard they are working to ensure that the remains are identified and that families receive the truth that they need to enable reconciliation to happen.

However, the task is large. As the hon. Member for Hendon said, 2,200 Cypriots—both Greek and Turkish—are missing. The latest information is that 562 individuals have been exhumed, and 172 have been identified. It is a slow, difficult and painstaking task, but it is of absolute importance to achieve reconciliation and unity on the island. In political terms, we also need to see truth and reconciliation for the families; it is therefore important that information is passed on. Turkish authorities and the authorities in the north must recognise people's real concern about the remains that are to be found on military bases; we should ensure that access is provided and that information is passed on. The many relatives who come to the House every July to campaign on behalf of their loved ones need to see the truth.

It is also important that there should be proper compliance with European Court of Human Rights rulings. Turkey should recognise the need for effective investigations, which goes beyond the work of the Committee on Missing Persons in Cyprus. It needs to carry out its own investigations and ensure that answers are given. That is a key element to building confidence. It is important that we reach a solution. It needs to happen for Cypriots, including my constituents, and for Cyprus itself. It is also important to secure regional stability. Turkey is interested in EU accession, but that can happen only if the Cyprus problem is solved.

Opinion surveys say that there is a great deal of pessimism among Cypriots and that it is increasing. It is increasing particularly among the younger generations, who have little knowledge of an undivided island. However, on the other side of the equation, opinion polls say that there is a wish and respect among people that the leaders should reach a settlement. The diaspora in my community also want to see a settlement. It is evident that they work and socialise together, and that they have the Cypriot identity and culture. That must be retained; it is part of the solution.

Mr. Love: Does the hon. Gentleman agree that the air of pessimism evident in Cyprus could be turned around if only we could engage in confidence-building measures such as dealing with the missing people and opening a dialogue about the history of the conflict? If we were to do that, we could create the sort of atmosphere that would lead to more positive negotiations.

Mr. Burrowes: I am grateful to the hon. Gentleman for that intervention. On a cross-party basis, we very much share the concern that a solution should be reached for Cyprus. The amount of talking is increasing, but it is important that we see real confidence building. We talk about it a lot, but we need a real result. Confidence can come about only through dialogue and access.

I mentioned in an intervention that one important aspect of access is access to worship—for those from Maronite villages, for example. It is extraordinary in this day and age that individuals cannot go to their own church to worship, but have to go through military zones, which are often restricted. It is important that measures are taken; if such matters are kept distinct from the other negotiations, real progress could be made. Over the next months, while the extra talks are in progress, we need to focus on aspects such as Maronite access and the missing persons.

As my hon. Friend the Member for Chipping Barnet said, we are remembering the fall of the Berlin wall. However, we still have a divided city in Cyprus; Nicosia is a city of great heritage, but it is impaired by the divisions that we see every day. Although the crossing has given us an opening, the city is at a great disadvantage and is scarred by division. We must ensure that, in 12 months, we return to celebrate a united city and a united island.

When one considers the conflicts that are being dealt with by the United Nations, the Cyprus problem should not be seen as an irreconcilable conflict. It is important that we recognise the need for sacrifice and compromise, but we also need proper integrity for the process that is based on the UN framework.

Finally, the Economist Intelligence Unit says that the chances of Turkish and Greek Cypriots reaching a settlement are about 40 per cent. The reality is that that is a 40 per cent. greater chance of a settlement than there would be if talks were not taking place. We need to support those talks; it is the best option. The House should be 100 per cent. committed to seeking a solution to the Cyprus problem.

11.46 am

Mr. Andrew Love (Edmonton) (Lab/Co-op): I had not intended to speak today, Mr. Olner, but as we have a modicum of time before you call the Front-Bench spokesmen, I wish to raise one or two important issues.

I congratulate my hon. Friend the Member for Hendon (Mr. Dismore) on his most comprehensive survey of the situation in Cyprus, based on his recent visit to the island. I join the hon. Members for Chipping Barnet (Mrs. Villiers) and for Enfield, Southgate (Mr. Burrowes) in saying how appropriate it is that we should be debating the subject during the week when the international community is celebrating the 20th anniversary of the ending of the division of Berlin. However, we in the European Union still have a divided capital in Nicosia. The international community should focus more on what needs to be done to end the long-standing division of the island of Cyprus.

The Berlin wall was erected in 1963 after a long period of turbulence. That was when we saw the first divisions in the Turkish Cypriot and Greek Cypriot community in Nicosia. Both problems date back a long way. If we had the time, I suspect that we could debate for a significant period the opportunities over the years to find a resolution, many of them missed. I think of the high-level agreements of 1977 and 1979, when there was a real air of optimism that a solution could be found; I think also of the 1980s and 1990s, and even the present decade, and the opportunities that have been missed because of the failure of all concerned. I think particularly of the failure of the international community to give the problem the prominence and effort needed to find a solution.

That brings me to the role of the United Nations, which has been critical to all developments in Cyprus since 1974. It has conducted various negotiations which reached various stages. Indeed, it was successful in bringing together a plan that was put to both communities—the so-called Annan plan. I do not want to rehearse everything, but simply to recognise that the UN has done a great deal and that it understands the critical issues involved. However, I am here today because I would like to see it do more; confidence-building measures are necessary if we are to create the atmosphere in which negotiations could be successful.

There are many ongoing joint initiatives. Work is under way to address the long-standing issue of missing people, which goes back to 1974 and before. I welcome all such initiatives, but more needs to be done. For years we have talked about taking an initiative on Famagusta and on various other issues related to airports. Although I recognise that the situation on the island has changed remarkably and that progress has been made—the green line has been opened up and there is more interchange between the two communities—we must do even more. The United Nations has a big role to play in creating an atmosphere in which negotiations can take place.

Historically, the European Union has not had a central role in finding a solution in Cyprus, but Cyprus is now a member of the EU. Given that the EU recognises the continued division of one of its member countries, it must take on an important role. Such an issue, however, is tied up with the negotiations for Turkey, and I will not go into the Ankara protocol now, except to say that the EU must find some movement. As my hon. Friend the Member for Hendon said, there was a period when its ports were open to Cyprus shipping, so it is not impossible for such a thing to happen again. The European Union has a critical role to play in facilitating a solution. It may be that, in the future, it plays a role as a guarantor. It is a guarantor for democracy and for all sorts of human rights and the rule of law. Perhaps it could play a more prominent role as a guarantor of the independence and territorial integrity of Cyprus.

That brings me to the guarantor powers themselves, namely Britain, Greece and Turkey. The guarantor powers have not played as central a role as they should. Although I accept the comments made by George Papandreou that perhaps Cyprus should be moving away from its connection with Greece and Turkey, that can only happen if both those guarantor powers facilitate the process. It is only with their help and assistance that that could take place.

Finally—I hope that the Minister will take this on board—the United Kingdom continues to be a guarantor power. Historically, we have a legacy of involvement in Cyprus. There is a large Cypriot community—both Greek and Turkish—living in the United Kingdom. The United Kingdom must play a more prominent role in the current negotiations. I know that the European Union looks to the United Kingdom as the country that has been critically involved over the years. We must exercise more influence and do so in a way that will help to build confidence between the two communities.

Finally—

Mr. Bill Olner (in the Chair): Order. I think that that is the third time that you have said "finally".

Mr. Love: Mr. Olner, you said that I had until 11.55, so I will exercise my right to say "finally". There is a lot of talk about a settlement being further away than ever, and the general attitude is very pessimistic. As has been said earlier in this debate, the two leaders of both communities are very much committed to a settlement. Progress is being made, although it is slow. It is for the international community, and particularly the guarantor powers, to give fresh impetus to the negotiations. If that can be done, we can turn around the negotiations and perhaps reach agreement on the final date—it will be around May next year—when we can look towards a settlement. However, without that impetus, progress will not be made at sufficient speed.

11.55 am

Jo Swinson (East Dunbartonshire) (LD): It is a great pleasure to serve under your chairmanship, Mr. Olner. I congratulate the hon. Member for Hendon (Mr. Dismore)

[Jo Swinson]

on giving such a comprehensive introduction to this debate. He outlined areas in which progress has been made, and managed to cover a whole range of issues in this complex case. It has been very helpful to hear the experiences of hon. Members, many of whom have visited Cyprus. Some have spoken with constituents who have a link with that country and others have heard first hand from individuals—relatives of the missing and others—about the difficulties that they face. I always think that mention of such experiences brings something to the debates that we have in this Chamber.

The hon. Gentleman held an Adjournment debate on this issue on 15 January. Sadly, his cautious optimism then about the prospects for reunification now needs further qualification, and that is a great shame. However, the hon. Member for Enfield, Southgate (Mr. Burrowes) made the point rather well when he said that talks are happening and that there is political will on both sides. Therefore, despite all the difficulties, we must welcome such an attitude and hope that it will lead us to a peaceful solution with equality and rights for both communities.

I echo the comments made by many hon. Members about the timing of this debate. We are discussing a divided island and a divided capital in the week of the 20th anniversary celebrations of the fall of the Berlin wall, which I hope will inspire a renewal of efforts in this case.

Obviously, the clock is ticking. As many commentators have noted, the presidential elections in the north in April are likely to see nationalists elected, and that will clearly seriously damage the ongoing negotiations. Progress, so far, has been slow, but we have a window of opportunity at the moment with both Governments being pro-reunification. The fact that such a view is liable to end in a few months means that there must be a renewed sense of urgency.

The consequences of no solution have been pointed out by the International Crisis Group, which says that failure to reach a settlement could result in slow economic progress, greater defence spending and reduced international credibility for the Republic of Cyprus, the Turkish Republic of Northern Cyprus and Turkey.

David Hannay, the UK special representative for Cyprus from 1996 to 2003, has said that the prominent role played by those outside Cyprus may have had a detrimental effect, allowing Greek and Turkish Cypriots to blame outsiders for the failure of the talks. The Cypriots on both sides must own the negotiations at every stage, or they are bound to fail. That does not mean that outsiders have no role, but that their role should be discreet, and aim to persuade, not coerce, Greek and Turkish Cypriots.

The hon. Member for Hendon mentioned the natural deadlines, which obviously include the December assessment of Turkey's EU accession. I am very much in favour of Turkey joining the EU, not least for the symbolism of accepting a Muslim country into what is still perceived as a Christian club. However, the possibility of Turkey's accession to the EU presents a very curious Catch-22 situation. On the one hand, the EU is unlikely to agree to admit Turkey until a settlement is reached on Cyprus, and on the other, Turkey is unlikely to support a settlement that is acceptable to Greek Cypriots if it feels that the EU is not sufficiently progressing its application. In September, David Hannay wrote:

> "So long as there is breath in the body of Turkey's EU accession aspirations, there will be some hope for a Cyprus settlement."

The EU has an important role to play here. As we have seen in other parts of Europe, such as the Balkans, the prospect of accession can be used as a very effective incentive and negotiating tool. I am not saying that the EU has necessarily always been right about the way in which it has used such a tool in the past, but it is something that can be used positively.

Turkey is often blamed for the lack of progress on the Cyprus issue. People say that Ankara has not pushed hard enough for peace, but that assertion is not entirely true. The Turkish Government, under Prime Minister Erdogan, campaigned for a yes vote in response to the Annan plan in 2004, whereas the Greek Cypriot Government, under President Papadopoulos, campaigned for a no vote.

[HYWEL WILLIAMS *in the Chair*]

Having said that, Turkey could do more to progress the negotiations on Cyprus, especially by implementing the Ankara protocol and opening all its ports to EU trade. Furthermore, there is no reason for maintaining such a huge number of Turkish troops in Cyprus and movement has to be made on reducing that number.

However, Turkish Cypriots obviously feel very disillusioned, having voted yes to the Annan plan. They continue to be very politically isolated and economically disadvantaged, their young people cannot take part in the national sporting or cultural events and they look across the green line to the Greek Cypriots who enjoy the full benefits of EU membership and who are flourishing economically and socially. Obviously, that situation leads to genuine grievances. On both sides, property issues have also been raised.

We have heard in this debate some ideas about the types of confidence-building measures that could be put forward to make progress. It is not for us in the UK to resolve all the difficult individual issues that are at stake, but we should be an honest broker and take a neutral position, supporting Cypriot solutions.

I want to raise another point of concern with the Minister, which has been raised with me by the Liberal Democrat Friends of Turkey group. It has expressed a concern among Turkish Cypriots in the UK about the Prime Minister's decision to meet President Christofias tomorrow. Tomorrow is also the first day of a High Court hearing of the controversial Orams property case and as the meeting between the Prime Minister and President Christofias is on the same day, it could be interpreted as Britain possibly taking sides in that case. Obviously, it is not for us to become involved in international law in this instance, but we should seek to appear neutral. I would welcome it if the Minister reassured Turkish Cypriots in the UK that the British Government are not taking sides.

I also encourage the Minister and the Government generally to meet representatives of both Cypriot communities in the UK, to help to build consensus and confidence. I understand from the Turkish Cypriots who have been in contact with me that the British

Government have met a particular group of Labour-supporting Turkish Cypriots but they have perhaps not met representatives from the whole mainstream of Turkish Cypriots in the UK. So I would be interested to hear the Minister's comments on that issue.

I would also like to pick up on the point made by the hon. Member for Hendon in the debate on Cyprus in January about the €50,000 donation for demining to the UN Mine Action Centre in Cyprus. That demining work is obviously an example of something that is very symbolic; not only does it help to demine the buffer zone but it helps to build confidence. I wonder whether we could have an update on how that money has been spent. Furthermore, given the €5 million shortfall that was referred to, is there any possibility of convincing other EU member states to give more money to that important fund?

In conclusion, I concur with the conclusion of pretty much everyone who has spoken today that the longer it takes to reach a settlement in Cyprus, the more likely it is that the division of the island will become permanent. Obviously, a permanent division would have huge negative consequences for regional stability and economic development.

As a guarantor power with strong relationships in Cyprus, the UK ought to have a significant influence on the situation there, although that influence should obviously be exercised discreetly. We should also be using our voice in the EU and the UN to push for a redoubling of efforts to use this window of opportunity to create conditions whereby these talks about the future of Cyprus can succeed, bearing in mind the imminent natural deadlines that exist.

12.4 pm

Mr. Mark Francois (Rayleigh) (Con): It is a pleasure, Mr. Williams, to serve under your chairmanship today.

I must begin by congratulating the hon. Member for Hendon (Mr. Dismore) on securing this important debate on Cyprus. It is right that we should devote time to this subject today, so that we can discuss it at Westminster in some detail. The hon. Gentleman went into considerable detail in framing the debate.

We have also had a number of other contributions, beginning with that of my hon. Friend the Member for Chipping Barnet (Mrs. Villiers). She has a long-standing interest in the issue of Cyprus, first, Mr. Williams, as you may know, as a Member of the European Parliament before coming to this place. She has continued that interest since becoming a Member of Parliament at Westminster. She knows a great deal about Cyprus and has visited the island on a number of occasions. Today, she raised the issue of missing persons and I hope that, when the Minister replies, he can speak in some detail about it.

We also had a contribution from my hon. Friend the Member for Enfield, Southgate (Mr. Burrowes). He has significant Turkish Cypriot and Greek Cypriot communities in his constituency, as he alluded to in his contribution. Unsurprisingly, therefore, he has also taken a close and strong interest in this subject. He spoke in some detail about the challenges facing Cyprus and the need for a settlement. I am sure that the Minister will want to respond to his contribution, too.

We then heard from the hon. Member for Edmonton (Mr. Love), who used the time available to him to maximum effect. He also pressed the Minister on the point that there is still an opportunity to achieve a settlement, which all of us present today would agree with. We hope that that opportunity will not be missed. We then heard from the hon. Member for East Dunbartonshire (Jo Swinson), who spoke for the Liberal Democrats. She gave a very balanced contribution in outlining the challenges that Cyprus faces.

I want to begin my contribution by pointing out that British-Cypriot relations go back many years. Indeed, it could be argued that they began with Richard the Lionheart in 1191, when he visited Cyprus en route to the Holy Land. He stopped off in Cyprus long enough to marry his wife Berengaria in the Byzantine St. George chapel in Limassol. Coming forward to today, Cyprus is now a fellow member of the Commonwealth, having attained its independence in 1960. It is also now an important trading partner and, of course, a member of the European Union.

Beyond that, we should not forget the thriving Cypriot community in the UK. For the first time, I believe, it has now produced a British-Cypriot MEP in Marina Yannakoudakis. I am sure she will continue to raise the Cyprus issue in the European Parliament with the same persistence that her predecessor in that Parliament, my hon. Friend the Member for Chipping Barnet, demonstrated before her. We are very pleased that she can now be a voice for Cyprus in the European Parliament.

As we have heard, the talks aimed at resolving the division of Cyprus are ongoing, the current series having resumed in September 2008. It is with that in mind that I visited the island in April on behalf of my party, to see for myself the state of the negotiations and to try to familiarise myself with some of the issues at stake.

On that visit to Cyprus, I had the privilege of meeting President Christofias and the UN's Special Representative, Alexander Downer, who has worked so hard to get a dialogue going between the two communities. I also had the chance to meet the Turkish community's chief negotiator, Mr. Ozdil Nami. That visit taught me a lot about the issues involved—not least their complexity—and which must be addressed in trying to find a settlement to the dispute. I also learned about the special role that Britain has played historically in Cyprus.

The current state of the talks is that some progress has undoubtedly been made. For example, Mr. Downer is quoted in yesterday's edition of the *Financial Times* as saying that he is still "cautiously optimistic" about a settlement. He points out that President Christofias and Mr. Talat, the two leaders of the Cypriot communities, are meeting regularly and have discussed key issues, including power-sharing and property ownership in a future settlement. He is quoted as saying that, after almost 50 sessions of talks, the leaders

> "have made significant progress—though not equal progress in all the chapters—but they have agreed on an enormous number of things".

That is how Mr. Downer characterises the state of progress to date.

The areas where the most progress has been made include the economy and European Union responsibilities. They are generally seen as being the least contentious of the six negotiating chapters. However, the Cypriot leaders

[Mr. Mark Francois]

have also discussed the governance and power-sharing chapter that dominated their talks earlier this year. The talks have now entered into the detail of what is perhaps their most contentious section, on property. A meeting took place on Monday between the two leaders, and another is scheduled for Thursday.

As we have seen, some progress has been made. There are signs of concern that both the Turkish and Greek Cypriot communities are beginning to harden their positions. In fact, a recent opinion poll demonstrates that about 60 per cent. of the Greek Cypriot population still have some reservations about a potential solution. A recent opinion poll published in the Turkish Cypriot daily *Kibris* showed that about 78 per cent. of Turkish Cypriots would prefer two independent states, and obviously, only a smaller proportion would say yes again to the Annan plan if it were put back on the table. It is a worrying trend, as Mr. Talat, the Turkish Cypriot leader, will be facing elections within the Turkish community in April. It could lead to a new leadership that is less committed to bringing about the reunification of the island.

At present, therefore, there is still an opportunity to make progress in finding a solution that could lead to the reunification of the island, but both sides should be aware that delay at this point will not create an environment for the talks to succeed, and could in fact have the opposite effect. Unless further signs of flexibility appear, a valuable opportunity to reach a lasting settlement could be lost, a point made by hon. Members from all parties in this debate.

I have said that Britain should do all that it can to work for a peaceful settlement. That also applies to the other guarantor powers. Turkey, for instance, has a role to play in achieving a solution, and it would be beneficial if it showed greater flexibility in its relations with Cyprus in order to facilitate that solution. In that context, it is an interesting coincidence that the progress of Turkey's accession to the EU is due to be evaluated at the EU's December Council. It would undoubtedly be a good sign of Turkey's intent to pursue its European vision if, as a candidate country, it could demonstrate good will towards its potential future EU colleague, Cyprus, by showing some flexibility aimed at bringing about a solution.

I would like to raise with the Minister an additional issue relating to British people living in Cyprus. There have been numerous problems with British and other people investing money in properties in Cyprus and discovering later that the title deeds are either faulty or retained by a developer who may then re-mortgage the property without their knowledge. The Foreign and Commonwealth Office website acknowledges the problem, estimating that up to 100,000 properties owned by Britons, Cypriots and others may be affected by faulty title deeds. I believe that the Cypriot Government are trying to make progress on the problem, but given the number of British people caught up in it, has it been raised with the Cypriot Government directly? If so, can the British Government do anything further to facilitate a quick solution?

This week, we are celebrating the 20th anniversary of the fall of the Berlin wall, as a number of hon. Members have pointed out. It is a cause for dismay that there is still no solution to the division of Cyprus. We hope that one can still be achieved, perhaps even before the next British general election, whenever that might be. However, if a final agreement has not been reached by then, a potential Conservative Government are ready and willing to do what we can to help the people of Cyprus find a solution to that long-standing problem, subject of course to the realisation that the future of the island rests primarily in the hands of the two communities themselves.

12.14 pm

The Minister for Europe (Chris Bryant): It is a delight to serve under your chairmanship, Mr. Williams; I think that it is the first time that I have done so. I congratulate my hon. Friend the Member for Hendon (Mr. Dismore) on securing what he referred to as his annual debate. It is not annual, as it happens more than once a year; there was another Adjournment debate earlier this year that lasted only half an hour. However, I congratulate him on securing this one. The issue is important not only to the many Cypriots living in the United Kingdom, who, as many constituency Members have shown today, take a direct and specific interest in it, but in terms of securing justice and economic opportunity in a key area of the European Union. It is also important because of Britain's historic links with Cyprus, to which the hon. Member for Rayleigh (Mr. Francois) alluded, although I sometimes think that talking too much about history in discussions about Cyprus is part of the problem, and that we need to talk less about history and more about the future.

I also congratulate my hon. Friend on the enormous number of parliamentary questions to me that he has tabled, and I congratulate myself on how many answers we have provided him with.

Mr. Dismore: I don't.

Chris Bryant: I am sure that my hon. Friend does not, and that he will table another set of parliamentary questions on any issue about which he is not fully satisfied.

Several hon. Members have referred to the irony of our debating this issue during the week when Germany is celebrating the 20th anniversary of the tearing down of the Berlin wall and the beginning of the process of German reunification, which I think everybody here welcomes. Of course, at the time, there was anxiety in the UK and some parts of the then Government about whether reunification was a good idea. I merely note that in 1948, the British Labour Foreign Secretary, Ernest Bevin, made it absolutely clear that the Labour Government were wholeheartedly in favour of a united Germany, just as we are entirely in favour of a united Cyprus. I think that those who argue for a two-state solution in Cyprus are going down the wrong route.

First I will refer to some of the specific issues raised and then I shall move on to more general issues. The hon. Member for Enfield, Southgate (Mr. Burrowes) referred to the Maronite community. Obviously, we take a particular interest in that community. It is not large, but it is significant and its linguistic and cultural heritage is important. I do not want to refer too much to history, but ever since the Maronites arrived 1,200 years ago from Lebanon, they have played an important part in Cypriot life. We as a Government supported the Council of Europe's 2008 resolution calling for "additional measures to support the revitalisation and promotion of the cultural, religious and linguistic heritage of the Maronites".

It is crucial to bear in mind that we are not talking about just two communities. We are talking about a wide diversity, and the more we can embrace that in the eventual solution, whatever it may be, the better. Obviously, it is essential that any final settlement should include the freedom to express and enjoy one's religion and to worship, a right guaranteed within the EU.

My hon. Friend the Member for Edmonton (Mr. Love) mentioned the importance of bicommunal links. Notwithstanding the point that I just made about the fact that there are more than two communities, he is right that it is vital to provide support for any confidence-building measures. We are keen to do so, and the British high commission wants to take every possible opportunity to do so. We continue to support financially the Committee on Missing Persons, about which I will say more later, through the European Union. We also support the UN mine action centre, and I will also say more about that.

It was encouraging to see Elsi Christofias and Oya Talat speaking together at an event in Pyla. It is good that the chambers of commerce, and commerce and industry, co-operate across Cyprus. As my hon. Friend the Member for Hendon said, we are encouraged by the fact that the founder of easyJet is producing a bicommunal business initiative. In many ways, it [illegible] economic opportunity that will take us forward into the future, rather than leaving us languishing with the problems of the past.

Mr. Love: One of the greatest confidence-building measures that the Minister could undertake would be to visit the island. Does he have any plans to do so?

Chris Bryant: I would not overestimate the value of my visiting anywhere, but I am grateful for my hon. Friend's confidence. I intend to visit Cyprus at the end of the month.

The hon. Member for East Dunbartonshire (Jo Swinson) asked whether I have met people who are on different sides of the argument. I do not take any side in the argument; I am on the side of those who want to see a settlement. I am happy to meet people from a wide range of views when I visit Cyprus. The Foreign Secretary would also like to visit Cyprus. We will play as significant a role as possible, but, to echo the hon. Member for Rayleigh, there must be a Cypriot settlement. Although we can encourage people to talk, enforcing a solution would be counter-productive.

Mr. Francois: Since the Turkish invasion in 1974, there have been a range of complex issues on the island. One confidence-building measure that encouraged both sides was the opening of the Ledra street crossing in Nicosia. Both sides acknowledged that as a positive development. Does the Minister agree that the opening of other crossings, particularly in the near future, would build confidence on both sides and encourage momentum?

Chris Bryant: The more that the two communities are able to commune, the better. For that to happen, people must be able to travel between the two communities. I shall reserve my view on how many crossings there should be until I have visited the island; the hon. Member for Rayleigh has the advantage over me on that point. As all hon. Members will acknowledge, physically seeing and experiencing the situation is more significant than reading any number of articles, even in such illustrious a publication as the *Financial Times*.

The hon. Member for Chipping Barnet (Mrs. Villiers) referred to missing persons. I lived in Argentina briefly in the 1980s. From speaking to the Mothers of the Plaza de Mayo, who are named after the big square where they used to demonstrate, I know of the profound feelings of loss that are multiplied by not knowing what might have happened to the person concerned. That can be enormously toxic not only for the individual, but for the body politic. The hon. Lady is right that this issue is one of the most important things to get right so that history can be closed before moving forward. We have long supported the Committee on Missing Persons and I will meet with representatives of it when I visit Cyprus. Of the 562 sets of remains that have been exhumed, the remains of 128 Greek Cypriots and 44 Turkish Cypriots have been identified and returned to their families.

The hon. Member for East Dunbartonshire referred to the Liberal Democrat Friends of Turkey. That is an abstruse group. She seemed to develop a certain paranoia—not uncommon among Liberal Democrats—about the Prime Minister meeting Mr. Christofias tomorrow. There is no connection between the dates. There is a legal process and a political process. We do not take a side in either, except that we are in favour of a settlement. I am glad that the Prime Minister will see Mr. Christofias tomorrow and I look forward to meeting him in a couple of weeks.

The hon. Lady asked about the UN mine action centre. We were delighted to give €50,000 of bridging finance this year and are delighted that the EU has given a commitment on the issue. I am sure that all hon. Members would acknowledge the contribution that the action centre has made and the tragic loss of one of its members of staff last week. By demilitarising and demining the island, it is playing a vital part in the process of reaching a settlement.

The hon. Member for Rayleigh mentioned UK residents in Cyprus and I hope to meet representatives when I arrive there. He is right that there is a significant property issue, as there is in Spain. Many people raised such issues with me when I visited Spain earlier this year. Yesterday, I met with the Spanish Minister with responsibility for the matter and we are trying to find solutions. The issue is complicated in Spain because different autonomous regions have different powers.

The British high commissioner has raised the issue with the Ministry of the Interior of the Republic of Cyprus and we have received assurances that the Government intend to introduce a Bill to address future cases. The issue affects a large number of people, as is stated on the Foreign Office website to which the hon. Gentleman referred. When British people buy property in other countries, they may come up against property and land laws completely different from those in the UK. It is an important element of the Foreign Office's "Know before you go" campaign that we ensure that British citizens have as much information as possible before undertaking such property transactions.

Several hon. Members asked whether we should be optimistic. I confess to being a natural optimist, so I am optimistic about the situation in Cyprus. There are reasons to be cheerful: in Mr. Talat and Mr. Christofias, we have two leaders who are committed to negotiation,

[Chris Bryant]

and in Greece and Turkey, we have two Governments who are committed to a settlement. We can all point to issues on which individuals from those four parties have not implemented fully what we would have liked. However, we must take at face value that they are committed to a settlement. Regular meetings are going on.

Why is this issue so important? First, there is a natural interest for Britain as we approach the 50th anniversary of independence. Secondly, it will not be possible for Cyprus to achieve its full economic potential—in both communities—until a lasting settlement is accepted throughout the island. Not only tourism, but a range of industries, could move forward dramatically if there was a lasting settlement. Thirdly, security in the eastern Mediterranean can be enhanced for the EU and the region only if there is a settlement in Cyprus.

Several hon. Members have referred to Turkey's accession to the EU. I am a passionate supporter of Turkey's accession. I believe that it would be good for Turkey to enter the EU as a secular Islamic state, that it would enhance our energy security and that it will be the Asian tiger of the European economy in the next 25 years. However, it is inconceivable that it will accede until there is a full and lasting settlement in Cyprus. People argue against Turkey's accession for many reasons, not least on the basis of migration. However, I believe that we must pursue Turkey's accession and, at the same time, a full and lasting settlement in Cyprus.

We believe that Turkey must comply with its commitment to implement fully the customs union. Last week in Ankara, the Foreign Secretary made it clear that we believe that the ports should be open. We believe that the UN resolution calling on Turkey to give back Varosha should be fulfilled. At the heart of the issue is the fact that political will is needed to make that happen. As in "Othello", which was largely set in Cyprus—

Hywel Williams (in the Chair): Order. We must move on to the next debate.

Rape Crisis Centres

12.30 pm

Lynda Waltho (Stourbridge) (Lab): While preparing to speak in this debate, I was approached by several charities, lobbyists and politicians, who represent a wide range of opinion and interest in the subject. What unites them is a desire to see the issue of funding for rape crisis centres given the greatest possible prominence—both for the public and the Government—and although they may differ in opinion on the means, the end of achieving sustainable funding for rape crisis is the same for them all.

The way in which victims of rape and sexual assault are dealt with by the voluntary and statutory sector has a huge impact upon the victims themselves and upon the services and volunteers who support them. Every year, 3 million women across the UK experience incidents of rape, domestic violence, forced marriage, human trafficking or other forms of sexual violence. In financial terms, the cost of that is estimated to be around £40 billion. Quantifying that huge figure is extremely difficult, but it is near impossible to measure the long-term impact of the horrific sexual crimes that many women, men and children are subjected to each year. Out of an estimated 80,000 annual incidents of rape, Her Majesty's inspectorate of constabulary believes that up to 95 per cent. go unreported. Of those that do get reported, there is an 80 per cent. attrition rate of victims from the criminal justice system. We in this place must continue to ask ourselves why that remains the case.

In common with many people around the UK, in my Stourbridge constituency, people who wish to report a rape or a sexual assault must go to the police in the first instance. People reporting a sexual crime that has just happened almost inevitably require examination by a forensic medical examiner. For people in Stourbridge, that can mean a wait for a police car to take them on the journey of up to 20 miles to the Sandwell sexual assault referral centre—SARC—which is the closest one to Stourbridge. Alternatively, the person concerned has to remain in what is often a busy police station, where it is difficult to find the privacy that is particularly needed after a horrific crime such as rape.

The victim is then treated as forensically hot, which often means they are unable to wash or drink, and sometimes they have to sit on blotting paper to preserve evidence of the assault. There is usually a protracted wait to see a doctor and, bearing in mind that 99 per cent. of sexual crimes are committed by men, it is possible that women victims of sexual assault may not be able to see a female doctor at all. That is particularly the case in the west midlands, where 85 per cent. of FMEs are male.

The police officers who are involved in these cases are clearly managing the needs of victims of rape and sexual assault alongside their own immense work load. However, they are not necessarily mandated to have special training in how to deal sensitively with these victims. Through experience, many police officers are extremely adept at assisting people who find themselves the victim of rape, but it is not guaranteed that someone who is brave enough to come forward as a victim of a recent or historic sexual crime will have such a police officer dealing with their case.

Police officers do not always know that a victim of sexual crime can be told that they can have the assistance of one of the excellent, but all too rare independent sexual violence advisers—ISVAs—who provide victims and survivors with emotional support through counselling. They also provide practical support, such as by finding safe accommodation if it is needed, or assisting on the long route through the criminal justice system.

Inevitably, a victim's first encounter with the criminal justice system will be affected by the reception that they get. That in turn provides them with a perception of how the system will deal with their case and informs their decision and the further decisions they need to make about seeking an all too rare prosecution. Without specific training, it is possible that police might not have the skills, through no fault of their own, to recognise the particular sensitivity needed when assisting victims of rape at the initial stage. That is the case for people who have just been assaulted, as well as for people who may have been assaulted a long time ago, which requires a particular form of bravery to come forward and even more careful assistance as they enter the criminal justice process. The Home Office says that each rape costs £76,000, but it is not uncommon for rape crisis centres in the west midlands to get just £100 per victim in funding.

Mr. Andrew Pelling (Croydon, Central) (Ind): The hon. Lady is returning to the issue of funding and costs, which she mentioned at the start of her speech. We are fortunate in Croydon because we have a rape crisis centre, which has recently benefited from an additional grant of more than £250,000 from the London Mayor. Croydon is unusual in that respect because there are really only two such centres in London. Does that not underline the need for additional resources, whether from Government, regional government or, indeed, some match funding from local government?

Lynda Waltho: It does indeed. The matter is not just about one-off amounts of money, which are obviously very useful; it is about sustainability. Often people who should be counselling and supporting victims are filling in forms, chasing money and effectively finding their wages for the next year. Sustainability is the key to dealing with the issue.

In common with those around England and Wales, rape crisis centres in the west midlands face a constant struggle to achieve funding, whether from Government bodies or charities. Recently, in 2008-08, a rape crisis centre in the west midlands was given £40,000 from the Home Office to provide services in that financial year. In 2009-10, as an emergency measure, similar to the previous year it was awarded £50,000. However, to cope with an expanding work load, it had needed and had asked for nearly £90,000. That could not be provided because funding had been capped.

When someone is accused of a sexual crime, from investigation to courtroom, funding is assured to see that the case is dealt with fairly. In comparison, funding for the provision of services to victims and survivors of sexual crime is not assured and varies by area. Of course, securing investigation and, where appropriate, conviction is in the public interest, but surely, the welfare of the victims of these horrific crimes is equally so.

What confidence can victims of sexual assault have in a system that offers them no guarantees about getting their case in front of a court? That problem speaks to an inherent distrust in people who make an allegation of rape or sexual assault. Demolishing that tendency requires institutional change, as does the process by which rape crisis centres, police, the health service and prosecutors work together to provide positive outcomes for victims of sexual crime. Local and national Government must take their place in limiting the bureaucracy imposed on rape and sexual violence support organisations.

This is a Herculean task, but we should not shirk from it. What would certainly make it easier is putting enough money into the process that victims go through to see their attackers brought to justice and ensuring that they are given help in recovering from the trauma of horrific attacks. The Rape Crisis network is the umbrella organisation for 38 groups in England and Wales that provide support to victims of rape and sexual assault. In doing so, they do an amazing job. The centres that are supported by the RCN have many things in common. They work tirelessly to support victims of sexual crimes, they rely on the good will of volunteers and they are under constant financial pressure to make ends meet.

Rape crisis centres and similar organisations form the backbone of support for victims of sexual crime. They support people who have had the bravery to come forward and ask for help after a traumatic experience. However, for the past two years they have been forced to apply for emergency funding because no sustainable funding exists to allow them to do their vital and admirable work. We all know of the pressures to reduce public sector spending, but we should increase funding for rape crisis centres, if possible. At the very least, we should sustain for a number of years the money that supports them.

When someone who has been sexually assaulted approaches the police, a doctor or a counsellor, they fear, among other things, a lack of dignity. But rape crisis centres that support them, such as Sandwell in my constituency and others like it, step in to help them through emotional trauma and through the criminal justice system, which is improving but could always do more. It is crucial that police, health care providers, prosecutors and rape and sexual violence organisations have enough confidence in each other's place in the system to give the assurance needed for victims of sexual assault to keep coming forward. That will happen only when rape crisis centres are recognised for their ability to support victims and survivors as well as for their skills in working, as part of the third sector, hand in hand with the statutory sector.

I am sure that many who work across local government, the police, charities and health services to support victims of rape will welcome the Government's moves to improve the way that we handle this issue. There has been a 46 per cent. increase in convictions for rape since 1997, and the criminal justice system has been ever more responsive. There has been extra funding of £1 million for rape crisis centres in the past 12 months, and there is now a team of advisers to help areas that do not have dedicated sexual assault referral centres to set one up. Those changes are all creditable and historic, because no previous Government have sought to provide them.

[Lynda Waltho]

I hope that the Government will demonstrate how those groundbreaking measures can be extended to provide long-term, sustainable support for rape crisis centres.

Sexual violence and assault can, among other things, strip victims of their dignity. The Government have gone a considerable way towards helping to restore it, but it is essential that they also dignify the organisations and professionals who support and care for rape victims with the sustainable funding that they need to continue their vital role, rather than commit them to a constant merry-go-round of short-term funding applications.

12.42 pm

The Minister of State, Ministry of Justice (Maria Eagle): Let me begin by congratulating my hon. Friend the Member for Stourbridge (Lynda Waltho) on obtaining the debate and thereby allowing us to consider the serious and important issue of sexual violence. I pay tribute to the work of the third sector on sexual violence. Such organisations do vital work across the country to support those who have been subjected to what is one of the most horrible crimes. Rape and sexual violence involve violation of the most personal and intimate kind, and the situation is often made worse by the fact that the victim knows their attacker. The impact of those crimes can be devastating to victims and very difficult to deal with. Some people can and do recover, but many need or want support. Sometimes the impact emerges later—in some cases, years later. As my hon. Friend has said, voluntary rape crisis organisations play a crucial role in providing a range of services such as counselling, therapeutic support and advocacy services. They work closely with victims, the majority of whom are women.

Far more rapes and incidents of sexual violence are not reported than are. British crime survey figures have indicated that only 15 per cent. of such crimes come to the attention of the police because so many victims do not tell anyone about their experiences. As my hon. Friend has acknowledged, however, there was a 50 per cent. increase in the number of convictions for rape in 2007 compared with the number in 1997. Reporting of rape has more than doubled since 1997. That increase is partly due to the systemic improvements that the Government have tried to make in the criminal justice system to facilitate victims of sexual violence and rape in feeling able to come forward to report to the police what has happened to them. In respect of sexual violence, improvements include the appointment of specialist officers and specialist rape prosecutors across the country, supported by much improved guidance and training for police, the Crown Prosecution Service and barristers. Other measures include supporting police forces in developing plans to improve the investigation of rapes, and ensuring that all forces are supported by a specialist team in implementing the plans.

We are funding and extending the network of sexual assault referral centres that my hon. Friend mentioned to ensure that victims receive medical care and counselling and that they can assist the police investigation through a forensic examination. The number of SARCs has increased from just five in 2001 to the current 29, and we aim and expect to have one in every police force area by 2011. We also fund the provision of independent sexual violence advisers in 43 areas to provide advocacy and support for victims. My hon. Friend has talked about the excellent work that they do.

This year, the Government conducted a wide-ranging consultation on violence against women, the responses to which will be published soon. My hon. and learned Friend the Solicitor-General is working with the judiciary on cases in which defendants raise the issue of delayed reporting to undermine the credibility of complainants. They are working to ensure that juries are better advised and better able to understand the impact that the trauma of rape can have on victims and on their behaviour after the attack.

As well as taking action specifically in relation to victims of sexual violence and sexual crime, the Government have taken general actions to put victims at the heart of the criminal justice system. Those actions have had a positive impact on the support that victims of sexual violence can obtain from the criminal justice system. I shall not argue that more could not be done or that we have turned the corner completely, because there is more to do. However, special measures are available to support vulnerable and intimidated witnesses, such as rape victims, in our courts so that they can give their best evidence in court without having to be next to the attacker or looked at by them. The victim personal statement can enable victims to have a voice in certain cases, such as where there has been a guilty plea. All that helps to ensure that the point of view of the person who has been attacked can be at the centre of the court's consideration.

I think that my hon. Friend requested this debate mainly to talk about funding the third sector, so I shall address her comments on that. The Government have done a lot on this issue. First, we have provided more than £12 million of funding in the past five years, through the victims fund, for voluntary organisations that support victims of sexual violence. For a few years now, there has also been a special fund, as my hon. Friend noted, to top up the money that is available to support the work of the third sector on sexual violence. That is a £1.6 million fund for members of the Survivors Trust and Rape Crisis to keep open local services for victims. As my hon. Friend rightly said, those charities provide invaluable support and specialist services such as counselling and advocacy to women and men who have been raped or who have experienced sexual violence. Another £1.8 million has been invested in the current year for new and existing sexual assault referral centres, and there is a £1.4 million fund for creating a national support team to bring together all the key agencies and to provide support to ensure that victims of sexual violence get the support they need in local areas to report crime. That helps to ensure that prosecutions succeed in greater numbers, where they are undertaken, and that those who rape and engage in sexual violence do not get away with it. Twelve million pounds of spending was provided over the five years prior to this year for specialist services for victims of sexual violence, and core funding was provided for Rape Crisis (England and Wales) and the Survivors Trust.

We are looking at the issue of sustainability, which my hon. Friend raised, and understand that we need to support voluntary sector organisations more. Officials from across Government are working to consider what more can be done to address the issue of sustainability in the sexual violence sector. We recently commissioned research and shared it with the stakeholder advisory group on sexual violence and abuse funding, a group on which officials from my Department and others and representatives of the sexual violence sector sit to look at how we can best sustain the work that those organisations do in the future.

One area we seek to address relates to cash. My hon. Friend said that many of the professionals and volunteers in the third sector organisations dealing with sexual violence spend too much of their time making applications for funding rather than continuing their work helping victims, so we are looking at trying to ensure that there is a more streamlined process.

We are looking at commissioning to see how that should be compact and compliant with equality duties, because one issue relating to the sustainability of funding for third sector organisations is that many local commissioners of services with mainstream budgets, some of which should clearly be used to support such voluntary organisations, have taken the view that those are too low down the list of priorities and, as they are women-only, do not comply with equality law. That is a misconception and incorrect, and it is something we need to educate local commissioners about more fully. We are looking at what more can be done on commissioning by those with mainstream budgets, whether in local authorities, health authorities or the criminal justice system, to ensure that it is properly understood that that part of the third sector should not be funded only by central Government from some central pot.

We are trying to ensure that the Government's capacity-building work for third sector organisations includes those from the violence against women sector and the rape crisis and sexual violence sector.

Mr. Pelling: Does the Minister have a view on those women who have no recourse to public funds because of their migration status, and on how rape centres should be better provided for to deal with their needs?

Maria Eagle: There is some central funding from the POPPY project, which comes largely through the Home Office, for those who have been trafficked into this country and subjected to sexual violence, so there is some specific funding aimed at helping those victims of sexual abuse who come to the attention of the authorities.

One of the issues with the sexual violence third sector is that it does not tend to be commissioned to provide services, as it would be perfectly possible for it to be, because those involved are specialists, such as those who deal with a particularly vulnerable part of society locally or local group. One of the strands of the work we are trying to do on sustainability is saying to local commissioners across public organisations that that area should not be ignore because it is covered elsewhere. It is an essential part of providing support for victims of crime and those who find it difficult to recover from their experiences.

I hope that the work we are doing in conjunction with the sexual violence third sector organisations will produce a better understanding across the public sector, centrally and locally, of where those organisations fit into the available services that can be commissioned by mainstream budget holders in local authorities, health services and the criminal justice system, and create awareness that by working together across those natural boundaries, which is always difficult but always a good thing to do, it ought to be possible to ensure better and more sustainable funding for those organisations that provide such vital services in many local areas. Indeed, one need visit only a few of those organisations to hear that referrals come from many statutory services but not necessarily with any money. The volunteers in those organisations are committed to their work, so they do not say, "Oi, where's the money for these referrals?" Instead, they get on with the job. We must find a way to ensure that money is attached to referrals.

We need to ensure that local services, whether local authorities or regional or local arms of central Government services, do not take the work that is done in those organisations as a free good that they do not have to pay for one way or another. I am convinced that the work we are doing should enable us, with good will on all sides and with a proper understanding across the statutory services of central and local government, to ensure that those organisations doing such vital work do not fall through the various gaps between the priorities of mainstream budget holders, because in many ways that is what has happened over the past few years.

I want to say a few words about the Stern review, because several recent cases that have come to the public's attention illustrate that there is still a need to address head-on some of the myths, misperceptions and wrong attitudes surrounding the crime of rape. The Government are pressing forward with the agenda of trying to ensure that more is done to support better the victims of sexual violence. There is now a review into how rape complaints are handled, from when a rape is first disclosed until the court reaches a verdict. My hon. Friend gave some examples of the experiences that victims of sexual violence have immediately after what has been an extremely traumatic experience and a crime committed against them. One is not surprised that some of those women feel unable to report properly to the police what has happened to them.

The review, led by Baroness Stern, will look in particular at how public authorities, including the police, local authorities, health providers, the Crown Prosecution Service and others, respond individually to rape complaints and interact with each other, as well as the attitudes of professionals to rape and evidence from the victims. It will take account of the emerging findings of the Department of Health task force on the health aspects of violence against women and girls, led by Professor Sir George Alberti, which is due to report early next year, and of the work done by Sara Payne, the victims' champion.

Since September, Baroness Stern has held 21 meetings with key stakeholders, including academics, public authorities, inspectorates, political leaders, local government, third sector support services and complainants, and has now embarked upon a programme of regional visits to collate further evidence and perspectives from a range of authorities, service providers, prosecutors and members of the judiciary. Regional visits will also provide her with the opportunity to speak to and visit a variety of specialist rape investigation teams, rape crisis centres, sexual assault referral centres, third sector groups and local crime and disorder reduction partnerships. She will visit the English regions, Wales and Scotland for

[Maria Eagle]

some comparative discussions throughout the rest of the year. She is expecting to present a final report to Ministers at some time in the new year.

I hope that I have been able to indicate to my hon. Friend that the Government are committed to tackling rape and sexual assault, bringing perpetrators to justice and ensuring that victims get the help and support they need. I congratulate her on securing the debate and highlighting in particularly the issues that concern those in the voluntary and third sectors who do so much to help the victims of sexual violence.

Public Transport (Disabled Access)

1 pm

Mr. John Randall (Uxbridge) (Con): It is a pleasure to be here today. I believe this is the first time that I have spoken in this Chamber with you in the Chair, Mr. Williams. I take the opportunity to thank Mr. Speaker for granting me this Adjournment debate.

Part of the London borough of Hillingdon is in my constituency. Every three months or so, the three Hillingdon Members of Parliament—my hon. Friend the Member for Ruislip-Northwood (Mr. Hurd), the hon. Member for Hayes and Harlington (John McDonnell) and I—have a joint meeting with Disablement Association Hillingdon, known locally as DASH. We meet various people who have disabilities and also those who have issues around it. A subject that has been common to various meetings is the problems that are still encountered by many disabled people in accessing public transport.

First, I should acknowledge that there has been some advance in accessibility for disabled people on public transport—I believe we all recognise that—and certainly things have improved with the Disability Discrimination Act 1995, but it is obvious that there are still significant problems. It is not particularly easy to bring accessibility to transport quickly, but the situation is frustrating for disabled people. Mr. Simon Harris, who is in charge of DASH, and one of the other people who often raises this point, Mr. Allen Bergson, are appropriately forthright in trying to champion the cause of improving accessibility for the disabled.

I also acknowledge that in London, where my constituency is, we have Transport for London, and the Mayor and the Greater London authority have input. Although some of my comments will be about the UK generally, many of them will be directed by the experience in Hillingdon. However, they are relevant to many other areas.

I shall not spend a great deal of time on the tube or the Overground, because it is evident to anyone who has any form of disability, particularly those who require a wheelchair, that the underground system is difficult to access.

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): I congratulate the hon. Gentleman on introducing an extremely important debate, and I am grateful to him for giving way. One of my constituents who has a disability and uses a wheelchair lives on a bus route served by four different drivers. She said that three of them are excellent, but that the other one has told her more than once that she is a pest. Would the hon. Gentleman agree that there is a strong case for making disability awareness known to as many people as possible? I would not for one second disregard the importance of so many people in public life who are committed to a fair deal for disabled people, but perhaps we have to be a bit more robust in presenting a policy of awareness.

Mr. Randall: I thank the right hon. Gentleman for that. I shall dwell on that theme later. It is one thing to pass laws and to talk about disability in this place and elsewhere, but we have to get through to the general public on a wider scale than we are doing at present.

In my own case, having a disabled mother and, before he passed away, a disabled father, I suddenly became much more aware of the problems. Without drifting too much, too often one goes to a place and asks, "Do you have accessibility for wheelchairs?" and what we hear is, "Yes, there are only three or four steps." There is still a mentality among many people, unless they have had to get a wheelchair in and out, that things are not as difficult as they actually are. I agree with the right hon. Gentleman that access and fair treatment on any form of transport are important. He mentioned buses, which I shall discuss.

I do not want to be entirely negative. One positive thing that I have noticed over the years, going up and down on the underground and buses—again, I am quoting from experience in London—are the audiovisual announcements, particularly on the buses. Previously, it was sometimes difficult for a person to know where they were, even if they were fully sighted and able—the bus could be crowded, or the windows could be misted up—so they are an improvement for all passengers. But for those who have problems, they are vital.

I believe that the Transport Committee recently produced a report on transport for the Olympics, and that it recommended that all transport should have such announcements. It is obvious that not just disabled people would benefit from them: they would be of benefit to locals and certainly will be important to the huge number of tourists who will come in. I would like that system to be extended to all buses throughout the country.

A problem with buses that I believe is probably common around the country is that many now have disabled space—in effect, space for a wheelchair—but it is limited, and those wheelchair spaces are sometimes taken up by other passengers, most obviously those with children's buggies or prams. I got a copy of a letter from TfL, which says that it encourages its drivers to ask people to move, but that they do not have powers to insist that people move. It is a matter of asking and trying to make people aware. Sometimes, the great British public are not as understanding as we would like them to be. Many people may have experienced this. People may be under pressure themselves—it is not easy taking a buggy around with a lot of shopping, a kid screaming away and all the rest—but we should try to ensure that space is available.

If the place on the bus is taken and a wheelchair cannot get in because there is no space—this assumes that the ramp is working and so on—the person has to wait for the next bus, and the next one if that one has no space. Interestingly, I noticed that a local person recently had an out-of-court settlement from a bus operating company—I believe they got £1,000—because they could not access four consecutive buses.

For most of us, that situation rarely occurs, although sometimes a bus is too full and it speeds past, but for a disabled person sitting in a wheelchair and trying to get on a bus, it must be problematic. Again, I am speaking about London, where the bus services are quite regular. I would imagine that elsewhere this could be a real problem if the next bus is not for half an hour or so. These are problems for disabled people.

As I said in response to the intervention by the right hon. Member for Coatbridge, Chryston and Bellshill (Mr. Clarke), the public are sometimes surprisingly unsympathetic to the needs of disabled people. As Members of this House, we are very much aware of them because people come to us with their concerns. There are awareness campaigns and courses for bus drivers, and most drivers are helpful, but unfortunately, as with most things, there will be one or two who are not.

Something that never occurred to me until it was pointed out, when it became obvious, is the problem at request stops for those who are visually impaired. We take things for granted—we see a bus coming along, we see the number on it and we stick our hand out to stop it—but that is a problem for someone who has problems with their sight. I do not think that we appreciate quite how difficult that is.

The Government's statutory advisory committee, the disabled persons transport advisory committee, has found that although disabled people travel a third less often than non-disabled people, they have a greater reliance on the bus services. That committee produced figures showing that, within the disability community, blind and partially sighted people use buses significantly more than other disabled people, with 50 per cent. taking the bus at least once a month compared with 43 per cent. of other disabled people. That is why request stops and announcements are so important.

We forget that the black cabs are a form of public transport. Disabled people can find them useful in getting from A to B, but one obvious problem is the expense. Mr. Allen Bergson, whom I mentioned earlier, told me about the real problems and how, in many cases, it is cheaper to fly to Spain and back than to get a black cab. For example, Mr. Bergson lives in Hillingdon and it cost him £80.11 one way to go to the National hospital in Holborn for some drug trials. Without being too intelligent I can work out what the return trip would cost. Booking fees and credit card charges lead to a black cab costing more for disabled people than for able-bodied people because one with wheelchair facilities has to be booked. Although sometimes they can flag one down, the chances are that the first one that comes along may not be accessible. So the cost of what we might think is a relatively easy journey becomes hugely problematic.

In providing accessibility for people with disabilities, we want to try to enable them to lead as normal a life as possible, getting out and enjoying things and getting on with work. Work is another big problem, because transport is not that easy for disabled people to use.

At our DASH meetings we have endless discussions about Dial-a-ride, which provides a useful service but also leads to many complaints. It is a patchy service. People from Dial-a-ride come along to the meetings to try to explain what is going on. There is so much frustration. For example, people can book an outward trip but are unable to book the return journey, which makes the whole thing pointless.

Having mentioned some of the obvious problems, I should like to mention that, having been granted this debate, I was approached by the British Lung Foundation, which wanted me to raise the problem of charges for oxygen on airlines. Although I told them that this debate was about public transport, that is still a problem. It may be something for another day, but I should just like to flag it for the Minister and say that that is just another problem that people face. There are other examples

[Mr. Randall]

in respect of airlines, including some not always being as sympathetic to wheelchair users as others. We should be concentrating on such things to try to let our constituents with disabilities enjoy as full a life as possible on as equal terms with ourselves as possible.

I should like to bring to right hon. Members' attention the report on the findings of Trailblazers, which I am sure the Minister has seen, which involved 1,000 young people from the Muscular Dystrophy Campaign, who became, as I would say from my retail experience, mystery shoppers, trying to see how easy it was to do things on the transport systems. Those findings are all pretty obvious, but perhaps we should highlight the fact that disabled passengers often feel like second-class citizens and that they cannot, as I have mentioned already, always access the first bus, train or taxi. The assisted passenger registration service on the trains needs 24-hour advance booking, making the possibilities for more flexible travel—suddenly wanting to go somewhere on a train, for example—much more difficult.

These are all problems that people face. As I said at the beginning, I acknowledge that things are and have been improving. Goodness knows that any of us could, and probably will, suddenly find ourselves with some disability. Although we can say that advances are being made, there is a need for urgency in respect of provision for disabled people, because their quality of life could be improved by improving disability facilities on public transport, and that would make a huge difference to them. As we come up to the Olympics and, more importantly, the Paralympics, we have a wonderful opportunity, all round the country, to ensure that we have some of the best public transport accessible to disabled people.

1.16 pm

The Minister of State, Department for Transport (Mr. Sadiq Khan): It is a pleasure for me, too, to serve under your chairmanship, Mr. Williams. It is also my maiden voyage with you in the Chair and I hope that I do as good a job as the hon. Member for Uxbridge (Mr. Randall). I congratulate him on securing this debate on an important matter: access to transport by disabled people.

On a personal note, I say to the hon. Gentleman that our previous interventions had been as one Whip to another, and I really enjoyed listening to his speech based on his personal experience working with DASH and others in the disabled community.

The Department for Transport is committed to ensuring that we have an increasingly accessible transport system that works for everyone. Indeed, one of the Department's five goals is to promote greater equality of opportunity for all citizens to achieve a fairer society. This morning I addressed a disability conference at Sadler's Wells, where we discussed many of the issues that the hon. Gentleman touched on. The conference is going on as we speak.

The hon. Gentleman was correct to draw attention to the fact that many of us may be disabled one day. He mentioned his mum and his father. There are more than 10 million disabled people in the country and, with an increasingly ageing population, transport has a key role to play in delivering on many of the Government's social policies. For example, transport helps enable people to access employment and services and to meet their friends and family; in other words, it helps them to lead independent lives. Nowhere is this more important than in the lives of disabled people.

We will of course continue to meet the requirements of existing and planned legislation. The Equality Bill, which is currently passing through the House and will shortly reach Report stage, will streamline and bring together in one place much of our equality legislation. Existing provisions in the 1995 legislation covering the transport needs of disabled people will be included in the Bill. Not only will the Bill include the existing provisions; there is a plan for it to include new ones aimed at making taxis more accessible. I know that the House divided on the Bill on Second Reading, but I hope that colleagues will reflect and will support its passage when it returns to our House.

All new buses and trains have to be accessible, including to wheelchair passengers, and we have set end dates by which all buses and trains have to meet our accessibility standards. We have made good progress in recent years. So far, 46 per cent. of rail vehicles and 62 per cent. of the national bus fleet comply with the regulations. In fact, the hon. Gentleman will be aware that, as a consequence of the leadership shown since 2000, in London 100 per cent. of our buses are accessible. That shows what leadership can do.

Mr. Randall: Of course, we acknowledge that that is a wonderful achievement. However, as I said earlier, one problem is that it is not just about vehicles being accessible; it is about ensuring that they are truly accessible in the sense that people can get on them, and about awareness.

Mr. Khan: The hon. Gentleman is right. Getting to the bus stop or the platform is often the biggest challenge, and I recognise that there is still some way to go on this. It is not just about making buses and trains accessible. There is no point in having a new, accessible bus if people cannot get to the bus stop or board the bus. The end-to-end journey is what matters, and if there is a weak link the individual will not make the journey by public transport or, worse, will not make it at all.

I welcomed the intervention from my right hon. Friend the Member for Coatbridge, Chryston and Bellshill (Mr. Clarke). He knows from his own experience of moving private Member's Bills and his long time in Parliament the huge impact that small decisions by bus drivers or bus operating companies may have on the quality of life of people throughout the country. That is why we decided to invest in the access for all programme in 2006, with £370 million ring-fenced until 2015 to make stations accessible for those with reduced mobility or who are disabled. Work has been completed at 30 stations, and a £6 million small schemes fund is available each year for innovative and locally focused solutions to deal with access problems at stations. More than 1,000 stations have benefited from those innovations.

Although we understand that disabled people want improvements immediately, we must strike a balance between their needs and the operating constraints of the transport industries. Our largely Victorian railway system poses a challenge in providing 100 per cent. accessibility, so we must identify where we can achieve the most benefits from our investment, not just for disabled people but for all passengers, including older people and parents with babies.

The hon. Gentleman touched on an important point about finite places, and tension between mums and dads with buggies and people whose only form of moving about is in a wheelchair. He will be aware that legislation is in place to ensure that bus drivers and others understand the priorities if, for example, those with buggies do not understand, appreciate, empathise with or give space to those in wheelchairs.

In his excellent speech, the hon. Gentleman touched on the role of taxis, which are an important link in the transport chain. We have recently consulted on accessible taxis, driver duties to disabled people, and training. I announced recently that the Department intends to make regulations to impose a duty on drivers of accessible taxis, as well as private hire vehicles, to assist disabled passengers into and out of the vehicle, and to transport them in safety and comfort.

The Department will also invite bids from local authorities to participate in demonstration schemes or pilots to assess disabled people's needs and how to match the taxi fleet to those needs. He also touched on the Trailblazers report. I had the benefit of meeting the group recently and receiving its report, and as a result of the impression that it made on me, I have actioned a number of points. I will write to the hon. Gentleman to let him know exactly what I have done, because I know that he has a huge interest not only in DASH but in other such organisations.

We must think not only about local journeys. Disabled people should be able to travel further afield just like the rest of us, and to enjoy holidays wherever they want. We continue to monitor compliance with the European regulation that came into force in July 2008 on the rights of disabled persons and persons with reduced mobility when travelling by air. We are also involved in negotiations on the European Commission's proposals, which were published in December 2008, for new regulations, including rights for disabled people and passengers with reduced mobility using maritime transport and international bus and coach services.

The issue is not just about physical access. We know from our research and as highlighted by Trailblazers and other groups for disabled people that other barriers prevent people from taking advantage of the improvements that have been made to the transport system, not least the attitude of operating staff. Since 2002, we have had regulations in place that make it unlawful for transport operating staff to disregard the needs of disabled passengers, including wheelchair users. For many operators, disability awareness training is now an integral part of staff training, but we must do more, and we are working with GoSkills on how awareness training can be incorporated into the certificate of professional competence for bus drivers.

The hon. Gentleman may be interested to know that not only does Trailblazers have a mystery customer remit, but Passenger Focus will extend its empire from rail to bus. I have had a mystery tour around the country using buses, and he is right in saying that bus drivers can do simple things, such as parking the vehicle next to the pavement, using their mirrors to ensure that older or disabled people have sat down before moving off, braking gently, and other things to improve the quality of life for disabled commuters when getting on and off buses.

We recommend that both front-line and management staff are trained and that their skills are regularly updated. Last year, the Department's advisory body, DPTAC—the Disabled Persons Transport Advisory Committee—published a training framework for use by those preparing and running courses. The Olympics—this will please the hon. Gentleman, as a London MP—will provide the opportunity to demonstrate the benefits of that training when many disabled people come to London for the games. Crossrail will also ensure that all the facilities that it provides will be accessible to disabled people. Security and fear of crime are also barriers for many people, including disabled people. We remain committed to reducing crime, fear of crime and antisocial behaviour wherever it occurs on the transport system. The Department's secure stations programme is contributing to that.

Another point raised by the hon. Gentleman was the need to know and to access information before making a journey. Later this year, the Association of Train Operating Companies will launch a new station journey planning website, and my Department has contributed £500,000 towards that. The site will include access information for every station in the country. Transportdirect.info is the Department's website and offers free information for door-to-door, multi-modal travel around Britain. We are considering how to include more information on accessibility, and how real-time information can be provided direct to disabled passengers. In Reading, such information can be sent to a mobile phone; that will improve the quality of life for many people about whom the hon. Gentleman and I care passionately.

The hon. Gentleman referred to the cost of transport. Last year we extended the concessionary fares scheme to allow disabled people to travel free on off-peak buses anywhere in England. In addition, half fare discounts are available on coaches, and the disabled person's railcard offers one third off many rail tickets. To illustrate the scale, the £1 billion for the concessionary bus fares scheme enables 11 million people in England to have access to free buses after 9.30 am and before 11 pm.

For those who cannot use public transport or do not have access to a car, community transport remains an important means of mobility, so we are encouraging collaboration with third-sector organisations, particularly in community transport solutions. Those organisations and local authorities have a critical role in targeting resources at local authorities' needs. The Local Transport Act 2008 removes some of the restrictions on vehicles used for community transport, and allows drivers with section 22 permits to be paid.

Delivering improved accessibility does not rest only with the Department for Transport. I accept that we must work in partnership with operators, manufacturers, delivery agents such as local authorities, and disabled people. Many accessibility barriers need local solutions, which is why we have introduced accessibility planning into the local transport planning process to allow a clearer and more systematic approach to ensuring that the needs of vulnerable groups in accessing jobs and key services are considered. We must not forget, for example, how important the pedestrian environment is for getting about. We are evaluating the accessibility planning process to see how that is working in practice.

[Mr. Khan]

I again congratulate the hon. Member for Uxbridge on his speech, and on bringing this important matter to the Department's attention. I re-emphasise that accessibility remains high on our agenda. We have achieved a great deal, but there is still a long way to go if we are to achieve our 2025 goal in the Government's strategy for improving the life chances of disabled people to ensure that they live more independent lives.

Centre for Defence Medicine

1.29 pm

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): I had better start with an apology, because it is actually the Royal Centre for Defence Medicine. That error is entirely my fault. I am extremely grateful to have the opportunity to speak about the work done by military and NHS clinical staff at the centre at Selly Oak hospital. Over the years, the centre has been mentioned in Parliament—usually in response to ill informed comments, which have not always been confined to the press. I want to put on the record the centre's achievement, in its entirety.

The centre was formally opened by Her Royal Highness the Princess Royal in 2001. A year later, in 2002, it was given approval by Her Majesty the Queen and could use the title "Royal". It was fitting that the Princess Royal performed the opening ceremony, as her husband, now Vice-Admiral Timothy Laurence, wrote the original Ministry of Defence report advocating the creation of the centre for defence medicine.

The first RCDM staff arrived at University Hospitals Birmingham in September 2000, when seven nurses joined the accident and emergency department. They have since been joined by almost 600 doctors, nurses, therapists and support staff, who work throughout the trust.

I thank my hon. Friend the Member for Birmingham, Selly Oak (Lynne Jones) for allowing me to trespass slightly on her territory. I hope that I can justify that on two grounds. Incidentally, I am glad to see that my hon. Friend the Member for Birmingham, Northfield (Richard Burden) is also present. The first ground is that the trust very much covers the south of Birmingham. The other excuse, which is probably much more important, is that I was in the Department of Health when the decision was made to restructure the way in which medical care was delivered to our armed forces.

Setting up the centre was not uncontroversial. I remember participating in Adjournment debates that made me extremely unpopular in places such as Gosport. Military medicine has extra dimensions beyond the usual care for patients. Military commanders need advice on how to maintain the health of their troops and how to deal with injuries suffered on or away from the battlefield. They usually operate in extreme conditions—extreme in terms of climate, terrain and personal security. Just to complicate things, there are tropical diseases and wound contamination.

There is now agreement that free-standing dedicated military hospitals cannot provide the best clinical care. Much of the criticism in the past was based on the mistaken assumption that unless there were dedicated hospitals and wards for servicemen, they would receive second-rate treatment. The opposite is true: what matters is the appropriate setting and clinically optimal care.

The British Medical Association, in response to today's debate, stated that

> "whilst the desire to build a separate, military hospital is understandable, the practicalities of providing up to date expert clinical care by well trained staff working in acute hospitals make this impractical as a solution".

The BMA wants to see the necessary improvements to provide the best health care overall for our military patients, using the best that the NHS has available but ensuring that the care is given in an environment with the appropriate military ethos.

I should like to remind the press and the media that they, too, have a responsibility, which goes beyond their daily circulation figures. Of course when things go wrong, they need to be highlighted. I am glad to say that most recently the press and the string of visiting politicians have acknowledged the excellent work done at Selly Oak, but some may wish to look back and reflect on some of the things that they have said and written in years gone by. Sad to say, we still get stories, such as that in *The Sun* on 24 September, that are simply factually inaccurate. They fail to understand that counting "military beds" tells us little. Misrepresentations of that type damage the morale of recovering injured soldiers and clinical staff, and morale is a component of fighting power. Stories such as those worry troops, staff and families alike.

The Defence Medical Services is the collective term for some 6,500 trained regular uniformed medical personnel from the Royal Navy, Army and Royal Air force. The hospital treatment of armed forces personnel is carried out through the use of NHS facilities under partnership arrangements. The Defence Medical Services staff are grouped into five MOD hospital units across the country. I am referring to Derriford, Frimley Park, Peterborough, Portsmouth and Northallerton, plus the Royal Centre for Defence Medicine. On average, the total number of military in-patients in NHS hospitals across the UK, for all illnesses and injuries, is about 60 to 75 personnel, although the numbers fluctuate.

The Healthcare Commission, which checks health services in England, reviewed Defence Medical Services earlier this year and found that rehabilitation services were "excellent" and that the system of regular reviews of best practice in trauma and rehabilitation services meant that care was "continuously improving and innovating". Patient diaries, kept for personnel recovering from injury in hospital to help with short-term memory loss, were described as "innovative".

Most recently, the excellent work done by the RCDM, led by Brigadier Chris Parker, was recognised at the military and civilian health partnership awards in Edinburgh in November 2009. Moira Kane, from 202 field hospital, Birmingham, won the deployed health care award for her work as a senior nurse in the emergency department at Camp Bastion. Dr. Heidi Doughty, also from 202 field hospital, who is a colonel in the Territorial Army, won the reservist of the year award for her pioneering work on improving blood platelet donation by soldiers to injured colleagues. The ortho-plastic team at Selly Oak, led by Professor Keith Porter, won the team of the year award. Those who watched the BBC documentary "Wounded", which followed the treatment of two seriously injured soldiers, will be familiar with the team's work.

Having been critical of the press, I can pay tribute to the Birmingham newspapers; the *Birmingham Mail* and *The Birmingham Post* have always been fair to the centre, acknowledged its achievements and drawn it to the public's attention.

In last year's new year's honours list, Professor Colonel Tim Hodgetts was awarded the CBE for his services to emergency medicine. He has deployed frequently, recently in Afghanistan. In preparing for the debate, I asked where he is now and was told that he has just come back. While in Afghanistan, he was the medical director of the field hospital in Camp Bastion. I am also told that during that time, the Danish provided half the staff for the hospital, with a quarter being British and a quarter American; apparently, Tim learned Danish before he was deployed. I mention all that because when talking about Afghanistan, we tend to think only in terms of the British troops. However, the contributions from other troops and how regularly we work with them are often not mentioned enough or underestimated.

Colonel Peter Gilbert, the Officer Commanding of the hospital squadron at Camp Bastion, in charge of the Territorial Army's 256 City of London field hospital, heads a squadron of about 170 men and women. He said that

> "on an average day we see more major trauma here than all the UK hospitals put together"

and their wounds, like all war wounds throughout history, are likely to be heavily contaminated.

A study soon to be published examines the period from 2006 to 2008 and estimates that there have been more than 40 "unexpected survivors", with the figure expected to rise. Unexpected survival or extreme recovery is largely due to three things. The first is rapid treatment on the ground in what is referred to as the "platinum" 10 minutes; by applying tourniquets or staunching blood with clotting powder, catastrophic haemorrhaging is avoided. The second factor is the rapid evacuation of the injured by medical emergency response teams using Chinook helicopters manned by a consultant, nurse and paramedic who are highly skilled in trauma care.

Thirdly, those whose combat injuries require even more specialist treatment are brought into Selly Oak. There are weekly case conferences between UK and Camp Bastion staff. Once in Birmingham, the injured have access to a hospital with more than 1,250 beds, 43 specialties, 30 operating theatres and 76 critical care beds—that number will increase to 100 when the new hospital opens next year. Only last week, some of the soldiers injured in the shooting involving the Afghan national police force were flown into Birmingham International airport for transfer.

At every stage, our forces—and in the case of the Afghan theatre, Danish and Estonian soldiers who fight with us—receive medical treatment that is second to none and always in the most appropriate setting, with the aim of getting the most skilled and most qualified medics to them as quickly as possible.

Incidentally, the skills and expertise acquired at Selly Oak when treating battle casualties and non-combat injuries ultimately benefit all patients treated in the NHS. Military care, medical care and support care, with the services and their families, come together at Selly Oak. When the injured arrive, their families are informed and cared for by the Defence Medical Welfare Service, with the support of the Soldiers, Sailors, Airmen and Families Association. Families can be accommodated in specially designed flats, which are literally across the road from the hospital. Too often, we deal with extremely complex medical cases, but there are also very complex family situations.

Lynne Jones (Birmingham, Selly Oak) (Lab): My hon. Friend is making excellent points and has grabbed all the ones that I might have made in intervening.

[Lynne Jones]

However, I would like to point out that in Selly Wick road, SSAFA has a home from home where family members can come so that they are close to their loved ones.

Ms Stuart: I have seen the photographs of the accommodation provided there by the local SSAFA, which works really well with the military services. Despite the initial horror of the news that families receive, we do give them the best care and support once they are brought to Selly Oak. In that respect, families who are in a difficult situation are not helped when certain sectors of the press exploit people's vulnerability for their own purposes, rather than to get the best services for our servicemen.

We could not do what we do without the support of charities. Governments have always worked with charities, but the co-operation is more profound on this issue than on any other. There are established charities, such as the Army Benevolent Fund and the Royal British Legion—today is, of course, the day before Armistice day, and we are all wearing poppies. However, there are also more recent charities, such as Help for Heroes, whose multicoloured wristbands have captured the imagination of a whole new generation.

In last week's edition of *The House Magazine*, of which, I confess, I am the editor, the hon. Member for Newbury (Mr. Benyon)—unfortunately, he cannot be here today, although I told him that I would mention him—recounts meeting Stephen Vause, who had been injured in Basra while serving with the 4th Battalion the Rifles. That encounter in Selly Oak, and the awareness that we need much more support for the rehabilitation of our servicemen, eventually led to the creation of Help for Heroes. The charity is now one of the most successful of modern times and has raised more than £32 million in just two years.

There is a covenant between the Government and our servicemen, which makes it clear that we should look after our servicemen for as long as necessary. The defence medical rehabilitation centre at Headley Court in Surrey provides an excellent service. It has a staff of more than 300, including rehabilitation specialists from all sectors. Together with Help for Heroes, it will deliver a new rehabilitation complex, including a state-of-the-art swimming pool and a new gym.

That brings me to my real question to the Minister. We have immensely improved the way in which we care for our injured servicemen—the survival rates would not have seemed possible five years ago—but that means that cases require much more complex and much more long-term rehabilitation. I would therefore like the Minister's assurance that the effort that has gone into ensuring that our medical treatment is the best will also go into rehabilitation. That is a question not just of years, but, in some cases, of the rest of someone's life.

In that context, we have decided that servicemen and ex-servicemen should have priority when receiving NHS treatment. However, I am not convinced that our record-keeping is sufficient to allow us to identify those who should be given priority. In addition to wanting to know more about our plans for rehabilitation centres, therefore, I think that it would be helpful if the Minister had discussions with his colleagues at the Department of Health. The bottom line is that we will achieve full recognition only when literally every GP in the country, on first encountering a patient, asks them whether they have ever been in the services. That will allow us to ensure that servicemen and women get the treatment that they deserve and which we owe them.

1.43 pm

The Parliamentary Under-Secretary of State for Defence (Mr. Kevan Jones): I congratulate my hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart) on securing the debate. She has given me an opportunity to celebrate the success at Selly Oak and to say thank you to the military personnel and NHS staff who work there. She rightly mentioned service charities, and I would also like to put on record my thanks for the dedication shown by the staff at SSAFA and other organisations that have supported the families of patients at Selly Oak.

As my hon. Friend said, Selly Oak came in for some unwarranted criticism a few years ago. I was privileged to be a member of the Select Committee on Defence when it did a report on the Defence Medical Services. When I first visited Selly Oak and spoke to the chief executive, I asked her about some of the more salacious comments in the papers. She had tried to rebut a lot of them, but what disturbed and astounded me was that some of them were completely untrue, and it was sad that they had had an effect on some of the hard-working staff. If people are going to report on our injured, we should tell them, "Please report the facts." One thing that we hear all the time is that people in Selly Oak are not allowed to wear uniforms. When visitors walk around the Selly Oak military managed ward, however, all they will see is military uniforms, so such claims could not be further from the truth. It is important that we treat our most severely wounded in that military context, because that is part of aiding them on the road to recovery.

My hon. Friend mentioned the wider work of the Defence Medical Services, and I want to put on record my thanks for the partnership working that takes place between the military and the NHS. She rightly noted that last year's Healthcare Commission report said that the service was exemplary and that its work in areas such as trauma care could be taken up in the NHS. That is the key point, and the Defence Medical Services and the Surgeon General certainly see the partnership approach as the way forward. A couple of weeks ago, I was pleased to be in Edinburgh for the second Defence Medical Services and NHS awards, where Chris Parker and his team were rightly recognised; that was well deserved.

Some people still argue that we should have stand-alone military hospitals, but the Defence Committee came to the conclusion—most of the professionals I have spoken to have reiterated this—that what we have now is better at providing clinical care and ensuring that we provide the best. We simply do not have sufficient numbers going through our military units—last week, the figure was about 32 individuals, some of whom were in Selly Oak, while others were in other military managed units throughout the UK. People often mention the US, and somebody did so again yesterday when I was speaking at a conference, but we have to recognise that the US has a very different system. It has larger numbers of servicemen and it does not have the health service that we do.

We should take pride in the work done at Selly Oak. Not only is it leading to the discovery of new techniques, but it is at the leading edge of research into dealing with some very complex injuries and, as my hon. Friend said, with infections that servicemen and women unfortunately pick up when they are in Afghanistan and Iraq.

My hon. Friend rightly pointed to the pathway from the front line, and a key point is that embedding medics right on the front line is making a real difference to the use of tourniquets and so on. As a result, people have survived who would not have survived even a few years ago. My hon. Friend is right to describe that pathway, including the medical evacuation teams that take servicemen and women back to Camp Bastion. I have visited Camp Bastion a number of times and seen the tremendous work that NHS and military personnel do there. They not only assist servicemen and women with their wounds, but treat Afghan civilians, and I saw them treat some children who had been injured—there is that role, too.

I want to put on record my thanks to the aeromedical evacuation team at Lyneham. I visited members of the team last year, and they are remarkable individuals. They are on constant 24-hour call. They fly into Camp Bastion and bring back severely wounded patients. Dealing with somebody in a critical situation in hospital is difficult, but doing it at 30,000 feet, while flying back to this country for 10 hours, is quite remarkable. On one occasion earlier this year, the team brought back three patients whose conditions required intensive care. We therefore have to thank the team.

The partnership at Selly Oak works. Patients are received at Birmingham airport, and I should put on record my thanks to the local ambulance service and the police, who make sure that the transition to Selly Oak is as smooth as possible. We have come a long way and can be proud of what we have achieved. I thank my hon. Friend the Member for Birmingham, Edgbaston for giving me an opportunity to talk about what I see as the next piece of the jigsaw, which is what happens next—an issue that she raised.

There are now some young servicemen and women who have had terrible wounds that a few years ago they would not have survived. I was at Headley Court last week. On such occasions I am always humbled by the strength of the individuals and their families and their determination to ensure that those life-changing experiences—and many have horrible wounds—will not set them back. We are also pushing at new frontiers of rehabilitation at Headley Court, with respect to prosthetics and technologies for new limbs. It is not an accident that the individuals concentrating on that work in the limb department are RAF technicians: they use the latest computer technology to provide some of the most up-to-date prosthetic limbs.

To return to my hon. Friend's key point: what next? I think that we are doing the best for those servicemen and women now, but the question that concerns us is what will happen to them in 10, 20 or 30 years' time. That is the big test for Government and for society: how do we look after those people? I am passionate about getting that right, and that is why I am undertaking some work with the Surgeon General and others to see how we can establish a care pathway for them. I shall announce that early in the new year, and it will involve working with not only our NHS colleagues but service charities. I should like to nail once and for all the idea that Government should do everything. I do not believe that. Partnership working with the likes of Help for Heroes and the Royal British Legion is the way forward.

The idea that I am pursuing is to put what I should call a welfare bubble around the people concerned. Once they leave the armed forces, if they do, and make the transition to civilian life, some will be able to go into work, and it is important that we should put in place training for them, and support from employers. A number of employers are willing to work with us, and we shall be doing that. My hon. Friend is right to say that it is important for local authorities to recognise the uniqueness of the individuals we are considering. That is why last week I was pleased to launch with Kent county council what I have called the welfare pathway. It is not rocket science: it is intended to make sure that when local authorities develop policies they think about veterans—and although it is Kent in the present pilot, I remind hon. Members that I am looking for other councils to take part. Kent, for example, has a one-stop-shop gateway, which will ask the simple question, "Have you ever served in our armed forces?" Secondly, and importantly, the council has a champion for veterans—someone who will be championing this approach. I hope to roll it out with other councils and with my counterpart in Scotland later in the year. The idea is to join up services to ensure that those responsible think about veterans.

The most severely wounded will have a separate pathway, and we need to make sure that we look after those people for life. My hon. Friend has made a key general point. I was very proud that the service personnel Command Paper, launched two years ago by the Secretary of State when he was Minister for the Armed Forces, did it right. It was the first piece of work in which we looked across Departments to see how we could make priorities for servicemen and women and veterans.

One relevant issue, as my hon. Friend mentioned, is priority access. Have we got that right? No; I do not think that we have. At a national level there is a very good buy-in, and I thank my colleagues at the Department of Health, who are pressing the case very hard. However, we need to work on how we get the GP or service provider, such as a mental health trust, to recognise veterans. That is why I had a meeting a couple of weeks ago about our hope to be able to track veterans, once they leave, through the NHS system, so that it will become second nature for a GP or hospital to ask someone whether they have been in Her Majesty's armed forces.

I do not want to take up time by making all my announcements in advance, but I want to mention another announcement that I shall make in the new year, about local advocacy. It is important that veterans and servicemen and women should locally have someone, or a group of individuals, who speak up on their behalf.

I think that we are in an exciting time, because if we can marry the best that we have in NHS medicine and military medicine at Selly Oak with rehabilitation, and achieve a joined-up approach at local level, we shall be able to achieve what I want, which is that when people leave the armed forces after serving their country they will get all the support they want. As my hon. Friend knows, some of the people concerned have very complex health care needs that will require looking after for life.

[Mr. Kevan Jones]

It is no good to expect them to be passed from pillar to post between different organisations. I am determined to make sure that there is a pathway for them.

The public mood and the media are rightly concentrated on those who are severely wounded, but many individuals are injured every year through training accidents and other illnesses. It is important that they should also be taken care of, because although they may not have been injured at the height of battle, they were serving their country. The Surgeon General and I are determined that the approach should be joined up.

Next year there will be an exciting milestone for Selly Oak, which my hon. Friend mentioned: the opening of the new hospital, which will have a separate, military-managed wing. That will bring in the most modern facilities anywhere in this country or Europe, and will also embed together the relevant culture and working practices. The other side of the issue—and it is something else that has been worked on at Selly Oak, and about which I am passionate—is the fact that as well as dealing with the physical scars that we can see, we need to make sure that mental health services are in place to support those who are severely wounded, and in some cases their families, who suffer from the trauma. If we can get that right we can have a centre of excellence.

I know that the Surgeon General is very proud of another aspect of his vision: research. It is important that we press forward on that. Selly Oak is becoming not just a national but an international centre of excellence for defence medicine. Work being done with Birmingham university, among others, can help that to grow, so that our centre of excellence will be not just for complex injuries but for everything from mental health to the work of military anaesthetists. That is becoming internationally recognised, with co-operation between us and the US.

Another important aspect of the matter is not to allow past negative stories to continue to dog the great work being done at Selly Oak. On the many occasions I have been there, I have been impressed by individuals and by the dedicated, caring nature of the NHS staff. They do not get too many thanks, and I should like to put on record my thanks to them. I also want to thank the management of the trust, who have been innovative and forward-looking in their approach and in taking some difficult decisions, which my hon. Friend alluded to. We have something that we can be proud of.

I want to finish where I began. We should celebrate and be proud of what has been achieved at Selly Oak. It is very sad that it is needed for the young men and women who are returning from Afghanistan and Iraq, but we are providing the best medical services for them. We need to celebrate that and build on it. In closing, I want to say thank you once again to all those who work very hard. My final thought in this week of remembrance is to remember those who have been injured—some in life-changing ways—in the service of this country.

Question put and agreed to.

1.59 pm

Sitting adjourned.

Westminster Hall

Wednesday 11 November 2009

[MR. EDWARD O'HARA *in the Chair*]

Sex Discrimination (Religious Organisations)

Motion made, and Question proposed, That the sitting be now adjourned.—*(Mr. John Heppell.)*

3.30 pm

Robert Key (Salisbury) (Con): It is a pleasure to sit under your chairmanship this afternoon, Mr. O'Hara. For the avoidance of doubt, I had better start by declaring my interests as a man, a Christian, a member of the Ecclesiastical Committee, an elected member of the General Synod of the Church of England who represents Salisbury diocese, a lay canon of Salisbury cathedral and a member of the council of Salisbury cathedral. My late father was a bishop who sat in the other place.

What are the facts about women in the Church of England today? About a quarter of priests—about 2,000—are women. Nearly half the people coming forward for ordination and training for the Church of England ministry are women. An NOP poll showed that more than 80 per cent. of the clergy and more than 90 per cent. of the laity support women priests. Only 2 per cent. of Church of England parishes have asked for a flying bishop. Almost 70 per cent. of the clergy and more than 75 per cent. of the laity support women bishops, according to a Sheffield university study. Two English cathedrals have women deans, and there are 15 women archdeacons. The worldwide Anglican communion has 38 provinces, 25 of which have women priests and 16 of which have legislated for women bishops. Nearly 30 women have been Anglican bishops in the past 20 years. So the Church of England is behind the curve, and we do not want it to be.

The fact is that most members of the Church of England who go to church want women to be ordained as bishops. What we need from Parliament and the Government is clarity on the terms that would be acceptable—first, of course, to the Ecclesiastical Committee and then to both Houses of Parliament. I remind those Members of Parliament who say that Church of England decisions are nothing to do with them that all Members of both Houses—regardless of their faith, or, indeed, of whether they have a faith—have a duty to exercise their judgment on any Measure that the established Church brings to us. Under the terms of the Church of England Assembly (Powers) Act 1919, the Ecclesiastical Committee, on behalf of both Houses, is required to report on

"the nature and legal effect of"

any Measures and to set out

"its views as to the expediency thereof, especially with relation to the constitutional rights of all His Majesty's subjects."

Every Member is invited to vote on the Committee's recommendations.

David Taylor (North-West Leicestershire) (Lab/Co-op): I congratulate the hon. Gentleman on securing the debate and I declare an interest as a member of the Ecclesiastical Committee. Is he aware that one of the human resources objectives on the Church of England website refers to the

"development of a diverse workforce and a fair and just workplace"?

How can the workplace be fair and just when, as that estimable organisation Women and the Church constantly reminds us, so many talented women are not being given the chance to work in the Church of England at an appropriate level? That cannot carry on for ever, can it?

Robert Key: I suppose that it is another case of one rule for the Indians and another for the chiefs. I suspect that the hon. Gentleman is absolutely right and I look forward to the day when a distinction no longer exists, because it is discrimination.

The Sex Discrimination Act 1975 had its Second Reading in the House on 26 March 1975. Introducing it, the Home Secretary, Roy Jenkins, said that it would apply

"not only to intentional discrimination but also to a practice which, regardless of motive, is discriminatory in its effect on persons of one sex and cannot be shown to be justifiable."—[*Official Report*, 26 March 1975; Vol. 889, c. 513.]

The exemptions set out in clause 19 included employment for the purposes of an organised religion, which applied where a person's

"sex is a genuine occupational qualification"

for a particular job.

On Second Reading in the other place, on 1 July 1975, the then Bishop of Leicester, speaking

"more or less officially for the Church of England"

welcomed the exemption. He said:

> "We hope that this Clause will stand and remain acceptable, although it is extremely probable that some Members of your Lordships' House may live to see a change in practice in this matter."—[*Official Report, House of Lords*, 1 July 1975; Vol. 362, c. 134-35.]

The bishop was speaking on behalf of the Church by law established in England in 1603, largely as a result of the genius of Queen Elizabeth I. Our own Queen, the defender of the faith, has seen the Church of England abandon its objections in principle to women priests and women bishops.

Most Christians believe that God is above gender. The disciples with whom Jesus surrounded himself were both women and men. It is not true that He thought that women were not up to it; on the contrary, it is striking that Jesus treated people the same, whether they were male or female.

It took a long time, but in 1975, the General Synod declared that there were no fundamental objections to ordaining women as priests. Thirty-one years ago, in 1978, the Synod voted on ordaining women to all three orders—bishops, priests and deacons. The necessary two-thirds majority was achieved in the House of Bishops and the House of Laity, but the House of Clergy recorded only a simple majority, so the motion fell. Seventeen years ago today, on 11 November 1992, the Synod voted in favour of women priests. In 2005, it decided that there was no fundamental objection to women bishops.

The Synod's legislative procedure works much like that of both Houses of Parliament. The Synod has the equivalent of a Second Reading, followed by a Committee

[Robert Key]

or revision stage, Report and a final Reading. In 2008, the Synod told the revision committee to work on a draft Measure—a Church law—to legalise women as bishops as well as priests. However, it also told the committee, in the spirit of tolerance, to produce a statutory code of practice under which priests and members of the Church would be treated fairly if they were not willing to accept women as bishops. The committee was told not to propose a Measure that created a two-tier system of bishops; it was to be all or nothing—not some proper, male bishops and some improper, women bishops with less authority than men.

The revision committee did exactly what it was told not to do. Why did it do that? On 8 October, it issued a press release saying that it had voted to abandon the code-of-practice approach and that it would instead recommend the imposition by statute of flying male bishops, who could land in a diocese with a woman bishop and deprive her—automatically—of her authority and religious functions.

Before voting, the members of the revision committee were told, as we all were in paragraph 16 of the further report from the legislating drafting group, that such an approach would not breach the terms of the Sex Discrimination Act because, where there are conflicting rights in English law, the exercise of one right may sometimes need to be restricted to protect the exercise of another. In such a case, the restriction of the first right should be proportionate. As paragraph 17 puts it,

> "The exercise of women's priestly and episcopal ministry in certain places can properly be restricted by law, but this should only be to an extent that is 'proportionate' in order to respect the theological convictions of others in relation to that ministry."

I have no doubt that the members of the revision committee had lots of additional advice, but we do not know what it was, because it is secret. Based on what I know, however, I have three questions for the Minister. First, the Sexual Discrimination Act 1975 exemption is principally directed at circumstances in which a religious office is reserved for men only. Does that exemption apply now that the Church of England has decided that women can be priests and bishops?

Secondly, will the Minister confirm whether, in UK sex discrimination law, the principle of proportionality may only ever justify indirect sex discrimination and that restricting the rights of women bishops to protect the beliefs of men or women is direct sex discrimination and cannot be justified in terms of proportionality or, indeed, under European law?

Thirdly, the further report, which was used to inform the votes of the revision committee, failed to mention that the principle of proportionality requires that the means adopted to achieve the desired aim should be both appropriate and necessary. Does the Minister agree that the report failed to address those conditions or to assert that they would be met by the course of action suggested, thus breaching sexual discrimination legislation?

Why does any of this matter? It matters because if the recommendation of the revision committee is approved by the General Synod, meeting in Westminster next February, the draft Measure will be sent to the Ecclesiastical Committee of Parliament before it is presented to both Houses for approval. After that, the Measure will have the full force of statute law. When it comes before the House of Commons, the Government will have to decide how Ministers will vote, and recommend how other Members of Parliament should vote. I know how I will vote. How will the Minister vote?

3.40 pm

Ben Chapman (Wirral, South) (Lab): I congratulate the hon. Member for Salisbury (Robert Key) on securing the debate, particularly on the anniversary of the vote for women's ordination. Unlike him, I am not an expert on the issues, nor a member of the General Synod. Like my hon. Friend the Member for North-West Leicestershire (David Taylor) I am a member of the Ecclesiastical Committee, which deems Church law to be expedient or otherwise before it is considered by both Houses of Parliament, and before Royal Assent. However, I am not speaking for the Ecclesiastical Committee; I am merely expressing a view.

In matters of religion, Parliament has two separate roles. One affects all Churches and other religious organisations. The other affects solely the Church of England as the established Church. Ever since the Sex Discrimination Act 1975, which has already been mentioned, the general law has recognised that religious organisations need some exemptions, given the dictates of theological belief and conscience. The Catholic Church, the Orthodox Church, the orthodox strand of the Jewish faith, Islam and many others impose gender rules about who can be priests, rabbis, imams and so on. Might not it be wise, in the present circumstances, for Parliament to go on enabling the various Churches and faiths to come to their own views on those matters? The Equality Bill, if I understand it rightly, sensibly does just that.

I should take some persuading that the Church of England should be fundamentally in a different position from other Churches and faiths in relation to sex discrimination legislation. I do not, of course, see why it should have a unique exemption just because it is the established Church; equally, however, I do not see why it should not have the same freedom that Parliament is prepared to extend to Churches and religious organisations more generally. All denominations and faiths must resolve those matters in the light of their own doctrinal frameworks and convictions. The difficulty, as I see it, is that the Church of England has been trying to do something quite ambitious and unusual since it first ordained women as priests in 1994. The legislation that Synod and Parliament agreed at the time enabled the Church to maintain what I might call a mixed economy. The Church of England concluded that women should be priests—and quite right too. At the same time it found a way of enabling those with theological difficulties to remain within the Church and be ministered to in a way consistent with their own convictions.

It is easy to make fun of that sort of compromise, but there are quite a lot of people in this country—churchgoers and others—who value the fact that our established Church is the original broad Church. If we want it to stay that way, it needs, within limits, to continue to be genuinely inclusive. The Church of England may, for its own reasons, decide to draw its own lines more sharply, but I wonder whether Parliament should be trying to lean on it to achieve a narrower settlement than was reached in the 1990s. The question now is whether some new version of that mixed economy can be constructed in the legislation that is needed for women to become bishops, as well as priests, in the Church of England. I strongly supported women becoming priests and I obviously support their becoming bishops. In my judgment, the sooner that happens, the better.

I wish the General Synod well in grappling with its own legislative challenges. I can see that the task may be more difficult now than it was last time, and I do not want to say or do anything to make it even more difficult. If I have understood the position correctly, much of the argument within the Church of England is not about whether there should still be that mixed economy, but about how best to achieve that. Clearly, there are some important judgments to be made about what to put in legislation, what to leave to codes of practice, what to make mandatory and what to leave to discretion, but they are matters, in the first instance, for the hon. Member for Salisbury and the other members of the General Synod to wrestle with. Those of us on the outside of the debate may need to be a little cautious in expressing a view. Parliament, as we have said, will have its own opportunity to consider the matter when it comes before Parliament.

We must acknowledge that the Archbishops of Canterbury and York have on their hands a difficult job, which is perhaps not made easier by noises off from the Vatican. We should welcome the fact that they are both strong supporters of removing the last barrier to women's ministry in the Church.

David Taylor: I agree with every word that my hon. Friend has said so far. I am not sure that I necessarily see the tectonic plates of the Catholic Church as running against what he and I would like to happen. Is not it possible to interpret the Holy See's overtures to Anglican married ministers to come into the Catholic Church as a sign that even that Church is changing in that regard?

Ben Chapman: I certainly hope that it is.

I strongly hope that the legislation going through Synod will make good progress and not get bogged down, especially as I have come to learn that the Church's processes are sometimes slow, sometimes cumbersome and always complicated. We should be cautious about appearing to criticise the efforts of the archbishops and all those who are trying to preserve the Church of England as the broad Church that can continue to hold together as many people as possible who hold a variety of Christian views. There is nothing between me and the hon. Member for Salisbury as to the outcome of the debate. It is just that—I am sure he would agree with me—I do not necessarily see the route between points as always a straight line. It is sometimes a bit more complicated than that.

3.46 pm

Dr. Evan Harris (Oxford, West and Abingdon) (LD): It is a pleasure to rise, somewhat earlier than I had anticipated, to participate in the debate, which was expertly introduced by the hon. Member for Salisbury (Robert Key). It is a pleasure to hear him speak with so much authority on these matters—as he does on matters of science, as I know from my experience—even as a lay person, to use the term in its non-scientific sense.

It is a bit curious that I have been selected by my party to speak in the debate, because the fact that I am not religious is, I think, well known—perhaps better known than the fact that I am not a woman. However, on reflection, it is not so curious, because the Liberal Democrats take a slightly different view from the other parties, owing to our views on establishment. Not surprisingly, our party does not have a corporate view on whether there should be women bishops in the Church of England. Anything that I say on that matter is, therefore, a personal view. However, we have a view on whether it should be a matter for us in Parliament, as I accept it is at present.

We believe in disestablishment, because we think that establishment is wrong in principle. There should be appropriate separation between the state and any religion. Also, because all religions choose to discriminate in certain ways—or certainly the Church of England does, as it is legally entitled to—establishment seems somehow to associate the state with that discrimination. For those of us who want as little discrimination as possible that cannot be justified on objective grounds in public authorities—the state—it is difficult to see the Church of England as part of the state and to see it discriminate.

Mrs. Ann Cryer (Keighley) (Lab): We are where we are. We have an established Church and there may be good arguments against that, but as long as we are where we are, that is surely a good reason for us to set an example to other parts of the Christian faith and other religions—particularly to people in my constituency who are Muslims and who do not let women into their mosques—by allowing women to become bishops. That would set an example far beyond our Church and religion.

Dr. Harris: I understand the hon. Lady's position, and I am glad that she has had the opportunity to state it. I was just explaining why, in the first instance, we believe that disestablishment is the way forward.

People of all religions and of no religion in our party hold that view. My hon. Friends the Members for North Southwark and Bermondsey (Simon Hughes) and for Northavon (Steve Webb) and for Westmorland and Lonsdale (Tim Farron) are all actively involved in the Church of England. As practising members, they all share the view that disestablishment would be a good idea, and I agree with them. None the less, I accept—I must say to the hon. Lady that I had written this down—that while the Church is established and it comes to us for a decision, it is right that we should make a decision, and that is the context in which those of us in our party make our decision.

I tend to argue—albeit from the outside—that there should not be discrimination. However, I accept that it is a matter for that organisation. My interest comes about only because I am interested in the establishment, which I oppose, and because the matter needs to come to Parliament to decide. I am torn between not getting involved, because the Church of England should decide the matter on its own, and, as the hon. Lady says, coming down one way or another—in my case against discrimination—even though we are coming at it from the outside. However, I would feel awkward if the Church of England started to decide what political parties should do. That is why the position of those of us who believe that it is a matter for the Church is a difficult one.

Robert Key: The problem is that it would not matter whether the Church of England were established or disestablished. The whole point is it would be coming to

[Robert Key]

Parliament as the established Church, inviting us to endorse something that is illegal; or, through its own rules if it were disestablished, saying, "We are going to do something illegal"—that is, if it was being discriminatory. That is the problem that we face.

Dr. Harris: I disagree. Furthermore, I was puzzled by what the hon. Gentleman said in his speech. Let us say that a religious organisation that is not established came to us and said, "We are thinking of changing the way in which we discriminate. We are not going to discriminate as much, but we will still have a two-tier system because some bishops or priests will have their authority limited on the basis of their gender by the fact that other people will come in." The Church will still be able to use the exemption that has been granted to it to do that. The exemption therefore does not have to be got rid of for the Church of England, whether established or not, to end discrimination. It is available to it to say, "We are using this exemption in order to discriminate." However, unless it had no discrimination whatsoever and no arrangements to help those parishes that will not accept the authority of a woman bishop, it would be better for it to keep the exemption so that it could use it in a more limited way.

Robert Key: The problem is the Church of England has decoupled itself from the exemption by saying, "No, it is not a prerequisite of the job that you be a man," so it is now saying, "We are decoupled, but we are now heading back towards the buffers. We are now going to go back on what we said by reintroducing discrimination."

Dr. Harris: No, that is wrong. I am not a lawyer, and I spent far too long on the Equality Bill to want to return to it on an Adjournment debate on a Wednesday afternoon. Discrimination is not just about a priori criteria. If we treat someone differently in their job on the basis of their gender—in other words, make them a different type of bishop because of their gender or because someone else is coming in, as the hon. Gentleman said—that would still be discrimination, even if it is said at the outset, "It does not matter what your gender is." It is less favourable treatment, or different treatment that may be considered by the "victim" to be less favourable. That is direct discrimination.

As the hon. Gentleman rightly said, an organisation needs to have an exemption from the law in order to discriminate directly, because it cannot run a proportionality argument on direct discrimination. That is why the exemption exists. This debate about the Church, whether established or not, is not about the existence of that exemption, because if it ever wanted to go back to or to create a system where there was still some difference in treatment, which may be seen to be putting one gender at a disadvantage, it would require that exemption. None the less, that exemption should be narrow, as it is, for organised religion where gender is a genuine occupational requirement. I have consistently argued that the limited exemption for discrimination on the grounds of sexual orientation should be as tightly drawn as possible for organised religions that deal with roles that are essentially proselytizing, such as those for priests and so forth.

By allowing exemptions for religious organisations to seek to discriminate, we have the balance broadly right. We do not allow it on racial grounds. There have been religions across the world that have sought to have racial discrimination in their outlook, and they would run into difficulties here. There would be a clear clash of their right to believe with the right to non-discrimination set out in our equality law. However, they are not around here at the moment, so it has not been an issue, and we would not want to see it be so either. There are clear orthodox bases for sex discrimination, whether or not we agree with it or whether or not we are religious, and that has to be recognised.

David Taylor: Is it not the case that the thrust of what the hon. Gentleman is saying is very substantially weakened by what the hon. Member for Salisbury (Robert Key) said in his opening remarks? The great majority of the ministers of the Church of England, of its congregations and of the General Synod have expressed support for the concept of women bishops. How can what the hon. Member for Oxford, West and Abingdon (Dr. Harris) is saying be sustained in the face of such figures?

Dr. Harris: In so far as I have a view on the way in which any religion organises itself, I think that there should not be any discrimination. When my constituents write to me and ask me what I think, I reply, "If it comes to me and I have to make a decision, I will vote on the least discriminatory basis." However, I will do so conscious of the fact that I am, in a sense, interfering in a club of which I am not a member. That would apply to anyone here who is not a member of the Church of England.

My general rule is that organisations work better when there is no discrimination, but I believe in freedom of religious belief. If something or someone who is closely tied to that religion, such as in a proselytizing role or a key leadership role based on promoting doctrine, feels that they have to discriminate, I am not going to campaign for that to end. I do not campaign for the end to discrimination in priesthoods in any religion. What I feel strongly about is religious organisations seeking to discriminate against ordinary people in the way in which some adoption agencies and schools have sought to do. That is when I get going, although I do not want to go down that path now.

I was seeking to explain why, in the context of believing in disestablishment, my party is reticent about getting involved in telling the Church of England what it should do. If all my colleagues were asked for their personal views, I suspect that the majority of them, whether or not they are members of the Church of England, would be in favour of non-discrimination. I recognise, both in my constituency and across the country, the valuable pastoral role that women priests have played since they have entered the Church of England. That cannot be denied. The sky has not fallen in, as some thought it would. I hope that the Church will be able to reach an accommodation and be at peace with itself and with its decision, and I hope that that decision will be to end discrimination. If it comes to Parliament, that is what I shall support, on a personal basis.

3.58 pm

Mr. Mark Harper (Forest of Dean) (Con): It is a pleasure to serve under your chairmanship, Mr. O'Hara. I congratulate my hon. Friend the Member for Salisbury

(Robert Key) on securing this important debate. It is not a debate about what instructions we should give to the Church of England, but a spirit of inquiry from my hon. Friend, who represents a part of the Church, just to test the matter and have the Minister be clear about what the law says so that it can guide the Church in its deliberations. Just as my hon. Friend declared his interest, I can declare my interest as a man and as a Christian, albeit a member of the Catholic Church rather than the Church of England. However, I am afraid that I do not come to this debate with such an impressive list of theological or Church qualifications. Like the hon. Member for Oxford, West and Abingdon (Dr. Harris), I would normally hesitate to discuss the tenets of another religion, but, as my hon. Friend accurately said, whatever faith we have, and whatever view we take about the establishment of the Church of England, it is the established Church and we in Parliament are asked to take a view of it. In a sense, even not taking a view is taking a view, in that not participating in the debate or not taking a particular view may affect the outcome of that debate.

I had thought that, coming to this debate as a Catholic, I should do a little research myself to see what current Catholic thinking is. I dug out the Ordinatio Sacredotalis, the apostolic letter of the late John Paul II to the bishops of the Catholic Church on reserving the priestly ordination to men alone. Unlike the Church of England, the Catholic Church takes a definite position on this issue. Indeed, according to the late Pope, the Catholic Church does not really have any authority on this matter at all, in the sense that it has said that it is not the deciding factor on whether women can be ordained as priests in the Catholic Church. In his letter, the late John Paul II made his position clear:

> "Wherefore, in order that all doubt may be removed regarding a matter of great importance, a matter which pertains to the Church's divine constitution itself, in virtue of my ministry of confirming the brethren…I declare that the Church has no authority whatsoever to confer priestly ordination on women and that this judgment is to be definitively held by all the Church's faithful."

That does not leave a lot of room for doubt. However, the Church of England, of course, does things in a somewhat different way.

My hon. Friend raised some important issues and they are important for two reasons: first, because of the draft Measure that, as he said, is being debated in the Church of England. He said that he seeks guidance from the Minister here today on exactly how the current law will apply to that Measure, so that he can give the Church some guidance about how it should draft it and decide on it.

The second reason why my hon. Friend's points are important concerns the Equality Bill; I apologise if referring to that Bill upsets the hon. Member for Oxford, West and Abingdon, but I will refer to it only briefly. I understand that schedule 9 to the Bill just converts existing legislation relating to the requirement to be of a particular sex to a new framework. However, I want to ask the Minister whether anything in that schedule would affect what the current law says. Given that the Equality Bill will come back to this House for Report and Third Reading, if he says anything now about the application of current discrimination law, we might need to look again at those aspects on Report.

If I have got the nub of my hon. Friend's argument right, this may be where the hon. Gentleman, and I disagree. I quoted the Catholic teaching on this matter because the exemption on direct discrimination in the current law only applies, as I understand it—I think this is what my hon. Friend said—if the religion itself says that there is a specific legitimate theological reason why a post may only be held by a certain person: in this case, by a man. The Church of which I am a member still holds that to be the case, so it would trigger that exemption in the law and would be able to discriminate against women and say that only men can be priests.

However, my hon. Friend made the point that because the Church of England has decided in principle that women are able to be priests and bishops, that exemption does not apply and regular law therefore applies, and the Church of England would have to treat women bishops in the same way that it treats male bishops. Consequently, it should not undermine the authority of women bishops and it should have sensible procedures in place so that they are not undermined. That directly relates to the decisions that the Church of England will have to make ahead of February 2010, when it passes its Measure on this subject. I think that is the nub of what my hon. Friend said.

I reinforce the questions that my hon. Friend put. They are pertinent and important because they may affect what the Church of England decides to do, and, therefore, the nature of the Measure that is brought before this House for approval.

Dr. Harris: That is an interesting clarification. I must confess that I have not studied the detail of the law in this area. However, if the hon. Gentleman is right, the question is whether the Church of England should seek a different exemption that would give it the flexibility to decide whatever it wants, or whether it will be satisfied to be straitjacketed into an either/or situation. That is a matter for the Church itself, but it is curious that the strict nature of the exemption as described would not allow the Church any flexibility as soon as it decides to open up the bishopric to women.

Mr. Harper: I am grateful to the hon. Gentleman for that intervention. I think that really is the nub of what my hon. Friend is saying—that because the Church of England has said that there is not a specific requirement to be a man in order to become a priest or bishop, the specific exemption in equality law, current sex discrimination law and the Equality Bill is not triggered. For that exemption to be triggered, there must be an occupational requirement to discriminate on the basis of sex.

The other important issue is how the application of the requirement to be a particular sex can be brought in, which may be the point the hon. Gentleman is getting at. The non-conflict principle can be brought in, relating to whether or not a decision affects a significant number of the religion's followers. That is why the statistics that my hon. Friend gave at the beginning, showing that a significant but not overwhelming number of the Church of England's supporters support women bishops, are important. The numbers he quoted were very significant: more than 80 per cent. of the clergy, and an even higher proportion of the laity, support women priests, and almost 70 per cent. of the clergy and more than 75 per cent. of the laity support women bishops. Nevertheless, that still leaves a minority—a small but significant minority—of both laity and clergy who do not support women priests or women bishops.

[Mr. Harper]

It may be that, if those people have strongly held religious convictions, the non-conflict principle in both the present law and the law the Minister's Department is bringing before the House is a proportionate way of dealing with that conflict.

I think that one of the questions my hon. Friend asked is this: is what is being proposed—or at least thought about—by the Church of England a proportionate way of dealing with that potential conflict? If it is, that may be a road that members of the Synod choose to go down. If it is not, however, that factor will clearly be very important in their deliberations.

My hon. Friend has asked questions that are very important not just to the Church of England but to us as Members of Parliament, because we will be asked at some point in the next few months to make a decision on them. Furthermore, they are of general importance because this debate informs how equality law, both current and future, applies to all religions. That is important to every one of us, whether we have a faith or no faith at all.

4.7 pm

The Parliamentary Secretary, Government Equalities Office (Michael Jabez Foster): I join other speakers in offering my congratulations to the hon. Member for Salisbury (Robert Key) on securing this timely debate, the contributions to which we have all listened to with great interest. The Government will be carefully following the progress of the Synod's draft Measure.

I am grateful for the clear way that the hon. Gentleman set out the issues. I am also grateful for the contributions from the hon. Members for Forest of Dean (Mr. Harper) and for Oxford, West and Abingdon (Dr. Harris), and from my hon. Friend the Member for Wirral, South (Ben Chapman).

As it is a time for confession, I guess that I ought to say that I am also a man. Furthermore, I am a Christian, although I happen to be a Methodist. I do not know whether that makes us sufficiently ecumenical to determine the issues we are debating today, but certainly we all come from quite different backgrounds. Of course, my role today is to say what the Government believe.

In discussing these issues, we touch on the particular relationship between the Church of England and Parliament, and on the historic place of the Church of England in the political and social life of this country. As a Minister, I am hesitant to intervene in the internal debates of the Church of England, especially on a matter which is so hotly debated within the Church itself. Furthermore, as the hon. Member for Salisbury rightly said, we may need to determine our position on those debates at a later date. Nevertheless, I have been asked some specific questions and I will do my best to make the Government's position, as I see it, as clear as I can.

The Government's general position is certainly clear: we wish to prevent unlawful discrimination because of sex, or because of other protected characteristics. We recognise that there are specific circumstances where exceptions are warranted, and where that is the case, we provide them in a way that balances appropriately the rights of all the relevant parties.

The Sex Discrimination Act 1975 is the main legislation in Britain that prohibits discrimination between men and women, both in the workplace and beyond. Let me say briefly how that Act applies to religious organisations. In its capacity as an employer, the Church of England is bound by the provisions of that Act like every other employer. Like all organisations, it can require either a man or a woman when recruiting to a job or selecting, promoting, transferring or training an employee in relation to that job, but only in narrow and tightly defined circumstances where it is a genuine occupational qualification for a particular job. The 1975 Act exhaustively lists a very narrow set of such circumstances.

It is also lawful, if the employment is for the purposes of an organised religion, for an organisation to restrict access to a job to a man or woman strictly to comply with the doctrines of that religion or to avoid conflicting with the strongly held convictions of a significant number of the religion's followers. Authorisations or qualifications conferred by a qualifying body for the purposes of an organised religion may be similarly limited. It is that exception that is most likely to be engaged by restrictions on women filling posts as ministers of religion.

Turning to the first question I was asked by the hon. Gentleman, let me be clear that it is permissible in law not to allow women to be bishops provided that that is done to comply with the doctrines of religion or to avoid conflict with the strongly held religious convictions of a significant number of the religion's followers. That is the case now under section 19 of the 1975 Act. To answer the hon. Member for Forest of Dean, we believe that it will remain the case under the Equality Bill. The law will not change.

Specifically, paragraph 2 of schedule 9 to the Equality Bill provides an exception for occupational requirements related to sex, sexual orientation, gender reassignment and marriage or civil partnership where employment is

"for the purposes of an organised religion".

That is defined as employment consisting wholly or mainly of

"(a) leading or assisting in the observation of liturgical or ritualistic practices...or

(b) promoting or explaining the doctrine of the religion".

Dr. Harris: The measures the Minister has just read out would enable discrimination to be applied to those who assist in the observance of religion. Can he confirm that in theory, the drafting would allow a church to restrict organists based on sex, sexual orientation or the other grounds listed? The wording is "leading or assisting" in liturgy.

Michael Foster: Applying the requirements is permitted only where that is a proportionate means of complying with the doctrines of the religion or avoiding conflict with the strongly held religious convictions of a significant number of the religion's followers. Of course, in the end, it would be a matter for the courts, but it seems unlikely that it would go as wide as to include an organist. That is certainly not the intention.

The Government's agreed position on which posts should be covered by the exception remains the same as when Lord Sainsbury described it in the debate on the

Employment Equality (Sexual Orientation) Regulations 2003, which contain an exception analogous to section 19 of the 1975 Act. He said that it involved

"a very narrow range of employment: ministers of religion, plus a small number of posts outside the clergy, including those who exist to promote and represent religion."—[*Official Report, House of Lords, 17 June 2003; Vol. 649, c. 779.*]

It is unlikely that an organist would come within that qualification, but it would clearly cover bishops.

Whether or not the conditions I have set out are still met—that is, whether a requirement that bishops should be men was in place in order to comply with the doctrines of the religion or to avoid the kind of conflict described—is ultimately a matter for the courts. I am sure we will all have our own views on whether the Church of England could maintain that position after the debates it has had, but it is not—at this time, in any event—for Ministers to offer an opinion.

I have also been asked whether direct or indirect discrimination is at issue. It is right that as a general rule, only indirect discrimination can be justified using the principle of proportionality. A limitation placed on women because they are women would be a form of direct discrimination and so could not be justified in that way. Such a limitation would be unlawful unless allowed by a specific exception, although in that case the exception that would be claimed includes a requirement that a restriction be proportionate.

The hon. Member for Salisbury also asked about the work of the Church revision committee. It would not be appropriate for me to go into the rights and wrongs of the Church of England's internal processes and discussions. As I understand it, the Synod has not yet been presented with the proposals under consideration by the revision committee, so to do so would be premature anyway.

What I hope is clear is that whatever proposals are brought forward for consideration by Parliament would need to comply with the law as it stands at the time. They should not, in any matter subject to discrimination law, result in direct sex discrimination unless there is a specific exception allowing it, nor should they result in indirect discrimination that is not a proportionate means of meeting a legitimate aim. In the Equality Bill, we have changed neither the range of religious posts to which the law applies nor how it applies to them, but we have maintained and clarified the position as it is now. Compliance with the current law will therefore be a good guide to future compliance in that respect, although the Bill is of course before Parliament and subject to debate.

As we have heard, the Church of England is exploring moving away from the current position and proposing to allow women to be bishops. That is, of course, a move that many of us welcome. At the same time, I understand that the Church needs to consider the feelings of those who disagree strongly with that move and cannot accept that change. The Church's debate concerns how far it should be possible to go in that effort: not about whether in principle women should be bishops, but about how, and about what accommodation could or should be made for those in the Church who do not think that they should. It is a very difficult question, first of all for the Church of England itself, and it is obvious from what we have heard today that the Church is wrestling with it.

I recognise the difficult position faced by those in the Church of England tasked with finding a way through the issues. I hope that they can find a way through that provides comfort to those who feel strongly on both sides. I do not know how close such a solution is, but I hope that one can be found within the framework of applicable discrimination law.

4.17 pm

Sitting suspended.

Nuclear Non-Proliferation Treaty

5 pm

Tony Lloyd (Manchester, Central) (Lab): I am delighted to introduce a debate which I believe is timely in its scope. Perhaps I could begin by making the rather outlandish claim that mankind has probably come up with only two ways in which to destroy the capacity for human life on this planet: one is through climate change, which I hope will be dealt with in Copenhagen; and the other, of course, is weapons of mass destruction generally, and nuclear weapons specifically.

The approach taken to nuclear weapons in recent decades, post-cold war, has been one almost of fatalism; it says that we have learned to love the bomb and to live with it. However, we should consider some of the statistics on the capacity of nuclear weapons systems in the world. At present, there are probably 23,000 nuclear weapons on the planet, in the hands of nine countries. There is the ever-present danger of proliferation: North Korea and Iran are either in the process of achieving nuclear weapons capacity or have already done so, and that is likely to be followed by other state actors, which, prompted by their near neighbours, may choose to go down the same path.

Terrorists will almost certainly draw the same conclusion as new proliferating state actors have: that possession of nuclear weapons is a viable way forward. Furthermore, we know of 25 occasions in the past two decades—perhaps there have been more—on which nuclear weapons material has been lost, stolen or mislaid. Given all that, we ought to begin to rage against fatalism and say that the time has come when we do not simply accept fatalism as a way forward for this world.

In that context, it is worth my quoting two distinguished Americans. The first is Senator Sam Nunn, who testified to the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, which was appointed by Congress. He stated in his testimony that

> "the risk of a nuclear weapon being used today is growing, not receding."

Sam Nunn, for those who do not know him, has impeccable credentials as a defender of America's position during the cold war.

Senator Bob Graham wrote in the commission's report:

> "The Commission believes that unless the world community acts decisively and with great urgency, it is more likely than not that a weapon of mass destruction will be used in a terrorist attack somewhere in the world by the end of 2013."

From a commission composed of senior members of the American political and military establishment, that comment of itself ought to frighten everyone who hears it. That august body considers that it is more likely than not that a weapon of mass destruction will be used.

We now have the capacity to begin to rethink the whole process, and it comes down to one simple thing: does this generation have the political will to say that we can make the change that will confine nuclear weapons not simply to the silos or even to levels of deactivation but, more importantly, to the past? I believe that that political will has begun to grow, and it is being led by some interesting voices who would not normally be associated with such a debate.

George Shultz, William Perry, Henry Kissinger and Sam Nunn, who are all battle-hardened cold-war warriors—they all have badges and decorations from that era—wrote an article in January 2007 about a world free of nuclear weapons, and, in so doing, began to lead a debate that has echoed around the world.

It is certainly the case that our Prime Minister, Gordon Brown, quickly took up the challenge and committed Britain to following the pathway to a nuclear-free world. I could quote many people, but, most recently, President Obama, who chaired the Security Council of the United Nations in September, laid out a genuinely ambitious programme for the United States. Let me say that my hon. Friend the Member for Islington, North (Jeremy Corbyn) would not necessarily applaud its every aspect, but it has several features that all of us, even the people who have been talking about the capacity for nuclear de-escalation, ought to applaud and watch with interest.

For example, President Obama has begun to speak about a total review of America's nuclear posture. The posture review will report to him by the end of this year, and more widely in the early part of next year. It could lead to a very different way of looking at America's security needs—one that does not rely primarily on nuclear weapons as the ultimate guarantor of the safety of America or its allies.

President Obama and President Medvedev have committed themselves to looking at how to replace the strategic arms reduction treaty, which is due to expire soon. Those talks are already taking place. START was the effective limiter of the number of missiles and weapons systems that the Russians and Americans could possess. President Obama has spoken about ratification of the comprehensive test ban treaty. He will meet stiff opposition in the Senate from people who are known opponents; nevertheless, the fact that he is putting his moral authority behind it is tremendously important.

Bob Spink (Castle Point) (Ind): I am grateful to the hon. Gentleman for bringing this most important matter to the House. The debate is timely. I am sure that he will not mention my contribution in the magazine *Red Pepper* several years ago to this debate, in which I called for the Government not to go ahead with Trident, but we all share in his welcome for President Obama's shift in policy.

Does the hon. Gentleman not feel that at a time when the British public look with consternation at the fact that our Government followed the American Government to conflict areas such as Iraq and Afghanistan, people would see it as fantastic leadership by the Prime Minister if he were now to follow Obama by softening his policy on Trident, or at least putting it on the back burner?

Tony Lloyd: The hon. Gentleman leads me in two different directions. The first is to confirm that I was not going to mention his article in *Red Pepper*. May I return to his second point later, because I want to make one further point about President Obama?

President Obama announced that in March next year there will be a nuclear summit in which he will bring together the main actors for several important reasons—among them, to discuss two important issues. The first is the security of nuclear material: how do we lock it down and ensure that it is not available to the rogue state or rogue terrorist? That is an important step. The second issue is the lead-up to the non-proliferation treaty review conference, which will take place in May next year.

I turn back to the hon. Gentleman's point. He is right. Actually, our Government have already made some significant steps in the non-proliferation direction, but we could go much further. Part of the conversation that we need to have, not just today but in the weeks and months to come, is about how far Britain can go in achieving consensus across our political system, or at least beginning to build that kind of consensus. Trident replacement has been put back, in effect, until beyond the next election, and the Prime Minister has begun to speak about the capacity for moving from four to three Trident submarines in any case. What that means is that many decisions about Britain's contribution that would have been unthinkable two years or a year ago are now thinkable.

The NPT review is not a British issue but a global issue. Frankly, if this generation of politicians does not seize the political opportunity globally, it will not matter what is done here in Britain. The world can be destroyed from many other places, without a contribution from Britain—although I freely concede that Britain can play a part in destroying the world, if we do not get our own contribution right.

The NPT review conference next year will be of fundamental importance in the process. The treaty is significant in that it placed obligations on non-nuclear states, but it also placed important obligations on nuclear states. The bargain, which has been betrayed by the nuclear powers, was always that the non-nuclear states would not choose to proliferate on the basis of the nuclear states agreeing that they would actively seek a pathway to disarmament. The nuclear states' failure to grasp the disarmament nettle has bedevilled this treaty. That is not the only reason, but it is at least one reason why there has been proliferation since the treaty first came into operation.

The treaty has three pillars, which I will mention in the traditional reverse order, because that will help me make my case. The third pillar guarantees to all states access to the peaceful use of nuclear materials, so that applies in respect of nuclear energy, which can be controversial in itself. Let us not dwell on the philosophy or theology of nuclear power; let us simply say that it is widely accepted. For example, in the debate about Iran, few people argue that the country should not have access to a peaceful nuclear energy programme. However, I urge my hon. Friend the Minister to recognise that, in respect of the four countries that would like to seek access to that nuclear fuel cycle, there are grave suspicions about those that already have it: about whether access to nuclear power opportunities would be allowed on a basis that would not be commercially restrictive or, possibly, politically restrictive in future. That is a difficult argument, but I can sympathise with those seeking to enter the field of nuclear power who feel that they may, in future, be told that for political reasons—perhaps they do not subscribe to the highest standards of human rights legislation or practice—their access to the nuclear fuel cycle may be withdrawn.

We have to accept that the price we pay in terms of matters nuclear is so high. However, even though in different circumstances we might argue that there is a price to be paid, it ought to be paid in respect of access to nuclear fuel only when people are abrogating their obligations under the non-proliferation treaty. That needs to be established beyond all doubt, to encourage the non-aligned states and others to accept that they can buy into a deal on the NPT treaty.

The second pillar of the NPT concerns the guarantees given to the non-nuclear-power states. Historically, we have not moved a long way in that direction. I urge my hon. Friend the Minister to recognise two things. First, if we want to build in a high cost for those non-nuclear powers that would seek to withdraw from their treaty obligations—if we are to make the Irans and North Koreas know that there is a big price to pay, including expulsion from access to peaceful nuclear technologies and perhaps tough sanctions regimes—and if we are to say to the rest of the world, "You've got to be part of shoring up the process of penalising the withdrawers from the NPT process," we have to go back to what I have said about the third pillar. We have to guarantee that people see that peaceful nuclear power and the treaty issue are locked together and that the cost is proportionate and borne only by those who seek the arms route and not the civil technology route.

Secondly, I urge my hon. Friend the Minister to look seriously at the development of negative security assurances, because although the world has gone down that road in some areas we have not explored fully enough the capacity to give security assurances to those who agree that they will not take the nuclear route. It is important that we explore that. I will mention a particular instance in which that is fundamental: I think that my hon. Friend can probably guess which region I will talk about in that context.

The real drama in all this is in the first pillar, which deals with what the nuclear powers do. What commitments are they prepared to give? There are things that must happen, although I do not intend to go through a checklist. A lot of specific points can be made in a shopping-list way, but some things have to be hammered out in the long, patient debate between now and the NPT review conference.

We have to ensure that people can see that the theology of nuclear weapons has changed—that we devalue nuclear weapons as security systems—and make it clear that nuclear weapons play a different, lesser role in security for the long-term future of Britain and the world. Unless we devalue nuclear weapons, we will continue to make them prime in the security structures of the United States, Russia, Britain, France, China, India, Pakistan and Israel—and now perhaps Iran and North Korea. We must get beyond that.

We also have to build in a recognition for the non-nuclear states that the decisions made by the nuclear powers now are going to be irreversible, because if people believe that this is simply a technical lull to be reversed by changes of Governments, regimes and even changes of climate, the treaty process will be undermined.

I want to finish by talking about a particular region. One thing that bedevilled the last review conference in 2005 was a belief on the part of states such as Egypt that the bargain that they signed up to had not been kept. Egypt worked hard to persuade other Arab states to sign the treaty, on the basis that Israel would be brought into the ambit of the non-proliferation treaty. Egypt felt, rightly, in 2005 that not only had that bargain not been kept, but there was not even any pressure to see how the issue could be moved forward.

[Tony Lloyd]

Interestingly, the present Administration in Washington has said publicly and loudly to Israel that it must look at its role in signing up to the NPT. That will be so fundamental in moving the agenda forward if we want to persuade the Egypts of this world, and others, to take the NPT seriously. I am not saying that my hon. Friend the Minister needs to make a declaration today about the role of the middle east, but there has to be some framework within which it is taken seriously as part of that treaty review process.

Mrs. Ann Cryer (Keighley) (Lab): My hon. Friend has mentioned Egypt and Israel and said that it would be unfortunate if Iran and North Korea obtained nuclear weapons. May I suggest that Pakistan's and India's attaining nuclear status a few years ago and spending a great deal of money on those weapons is already killing people in those countries? Despite the economic boom in India and improvements in Pakistan, people are still dying in those countries because they have no fresh drinking water, no proper housing, no education and no health care. Those countries are unable to afford those sorts of luxuries because they prefer to spend their money on nuclear weapons. I hope that the Minister will touch on that issue when replying. We have done nothing to encourage the likes of Pakistan and India to refrain from obtaining nuclear weapons and from arming themselves to the teeth to attack each other at some point, and instead look after the welfare of their citizens.

Tony Lloyd: I am inevitably sympathetic to the point that my hon. Friend makes. She is right about the crippling cost of these weapons systems in both India and Pakistan. However, it is worth making two other points. The logic of India's having the bomb was, at least in part, because China had a nuclear weapons system and the logic of Pakistan's nuclear system was entirely determined by the logic of India's. But, of course, the two countries that came closest to nuclear war in recent times were India and Pakistan, which is a salutary message to us all. Nuclear weapons are not just toys that stay in the military kitchen: they are so dangerous that they can plunge regions and the globe into unimaginable conflict. My hon. Friend's point is well made.

I want to move from Israel to talk about the situation in Iran. A problem that has bedevilled negotiations is that we have not been able to generate the total commitment from the rest of the world to put pressure on Tehran in terms of its own nuclear system and say that it is unacceptable for Iran to move in that direction. We would shore up pressure on Iran if we told its friends and neighbours that its nuclear weapons system would be unconscionable. They would exert pressure if they believed that there was pressure more generally on Israel and other parts of the world to shore up the whole NPT system.

The point that I want to establish is that actors throughout the world have made huge changes in the culture of and the debate on nuclear weapons systems. This generation can make an historical and practical break with the intellectual past, and move in a direction that we have been unable to take for many years, although the end of the cold war may have signalled that capacity. It is up to this generation to make those decisions. The NPT will be fundamental, because this is the one time when non-weapon states will be able to measure the credibility of nuclear weapons states throughout the world. It is the one time when we can set a direction not to conclude the issue instantly or even in a short time, but to take the world to a future nuclear-free position. The situation is brutal, and history may not be able to judge us if we get this wrong, but I hope that history will regard the NPT review conference next year as the platform on which a nuclear-free world was built.

5.21 pm

Jeremy Corbyn (Islington, North) (Lab): I welcome today's debate, and I thank my hon. Friend the Member for Manchester, Central (Tony Lloyd) for securing it and for introducing it as he did. My hon. Friend the Member for Keighley (Mrs. Cryer) summarised the situation in her intervention; any country that goes down the road of possessing or developing nuclear weapons brings on itself enormous costs and thereby denies opportunities to many other people. India and Pakistan both have an enormous number of poor people, and the obvious calculation is that money spent on developing weapons of mass destruction aimed at each other inevitably denies education, health and clean water to much of their populations. We should be fully aware of that, and not afraid to say it.

I declare an interest in that I have been a member of the Campaign for Nuclear Disarmament all my life, and have no plans to leave it. I am a national vice-chair, and chair of its parliamentary group. On its behalf, I attended the preparatory committee for the NPT review in New York earlier this year. That review was very different from previous ones that I attended in Vienna and elsewhere. They were almost desultory, in that the five declared nuclear weapons states turned up, restated their position on the non-proliferation treaty and then proceeded to state the exact opposite—that they had no intention whatever of fulfilling their obligations under the treaty to begin steps towards disarmament. People often went away from those events in a frustrated frame of mind.

Two PrepComs have made a difference: the one in 2000 and the last one in New York. The one in New York was so different because of the completely different approach by the United States. The US ambassador, Mrs. Gottemoeller, made her position clear on behalf of President Obama, and read out a lengthy letter. In addition, this year President Obama in his Prague speech envisaged—as far as I can recall, for the first time by a US President—a world free of nuclear weapons. Sadly, he went on to say that it would not happen in his lifetime, and as he is such a young man, that is deeply depressing. Nevertheless, he was prepared to take that step and suggest that there could be a significant difference.

The New York review was fascinating, interesting and hopeful. The previous year's review in Vienna had been a series of ritual condemnations of Iran, and each speaker tried to outdo the others in the rituality of those condemnations. This time, there was a much more serious approach towards dialogue, understanding and developing the non-proliferation treaty.

There are problems with the NPT, which I will come to, but also opportunities. It was an amazing document of its time. It was amazing to achieve a commitment from the five declared nuclear weapons states in 1970 that they would take steps towards eventual disarmament, and that all the other signatory nations would not seek to develop or possess nuclear weapons. It has been effective in a number of ways, and some countries deserve particular praise. I am thinking mainly of South Africa, and its denial of a nuclear weapons programme following the election of President Mandela, and its total disavowal of nuclear weapons, so that Africa can become a nuclear weapons-free zone. A similar process happened in Argentina, and other countries, which deserve particular credit, such as Ukraine, have moved away from the nuclear route. We should recognise that some countries have made a fundamental step towards nuclear disarmament.

However, there are problems with the nuclear non-proliferation treaty. Its membership is restricted to the five declared nuclear weapons states, and to the majority of the rest of the world's states who do not possess nuclear weapons and are not attempting to acquire them. Those who have nuclear weapons outside the nuclear non-proliferation treaty are denied membership, and that category clearly includes India, Pakistan and Israel.

I deeply regret the fact that India and Pakistan have developed nuclear weapons. With the current instability, particularly in Pakistan, there is serious cause for concern about the safety of those nuclear weapons. As my hon. Friend said, they have been an enormous economic burden on both countries. However, the issue is a south Asian one in that both countries developed those weapons because of animosity towards each other, and they are targeted at each other and not at anyone else. It would be unbelievably crazy to use them because if one side fired a nuclear weapon at Lahore or Delhi, the people who died would not have known which weapon killed them because the effect would be the same on everyone. One hopes that there can be a continuing good relationship between India and Pakistan, de-escalation, and eventually agreement on mutual disarmament. We should support and encourage that.

The situation in Israel is slightly more complicated because it is not a signatory to the nuclear non-proliferation treaty, and has never sought to be. My hon. Friend the Member for Manchester, Central pointed out that Israel's possession of nuclear weapons makes the concept of a nuclear-free weapons zone in the middle east extremely difficult. There are also problems with many of the neighbouring countries, which believe, understandably, that if Israel has nuclear weapons and the west cannot persuade it to disarm, they may feel pressure to develop them one day. I had a similar conversation to that of my hon. Friend, with ambassadors from a number of countries, particularly Egypt.

There are some interesting signs, and I want to quote from a document that may be of some interest. The Paris summit of Mediterranean countries was held on 13 July 2008, under the co-presidency of the French Republic and the Arab Republic of Egypt and in the presence of Israel, which was represented by its then Prime Minister, Ehud Olmert. It discussed the issue of peace within the region, and said that it was in favour of

> "regional security by acting in favour of nuclear, chemical and biological non-proliferation through adherence to and compliance with a combination of international and regional nonproliferation regimes and arms control and disarmament agreements such as NPT,"

the chemical weapons convention, the biological weapons convention, the comprehensive nuclear test ban treaty, and so on.

The document goes on to say:

> "The parties shall pursue a mutually and effectively verifiable Middle East Zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems. Furthermore the parties will consider practical steps to prevent the proliferation of nuclear, chemical and biological weapons as well as excessive accumulation of conventional arms; refrain from developing military capacity beyond their legitimate defence requirements, at the same time reaffirming their resolve to achieve the same degree of security and mutual confidence with the lowest possible levels of troops and weaponry and adherence to CCW"—

the convention on certain conventional weapons—

> "promote conditions likely to develop good-neighbourly relations among themselves and support processes aimed at stability, security"

and so on.

The reason why I quote from that document is that at that conference, which was hosted by France and attended by Britain, there was participation by Israel that appeared to envisage a process towards some degree of nuclear disarmament or adherence to some kind of international convention. We should seize on that and try to encourage Israel in that direction, because the implications of not achieving nuclear disarmament by Israel are that the pressure is then on in other countries, from the military, from industries and from lots of super-nationalist people, for those countries—be it Egypt, Iran or anywhere else—to develop their own nuclear weapons. No one wants that; no one wants that armament happening.

The problem of the lack of capability of the NPT to bring about disarmament must be dealt with. Therefore, I strongly advocate that the Government recognise what President Obama is doing in calling together the nuclear weapons states—I assume, and perhaps my hon. Friend the Minister will confirm whether I am correct, that that would involve all the countries that possess nuclear weapons outside the NPT—in the pursuit of a nuclear weapons convention. That has been strongly supported by the Canberra commission, by Australia and others. The idea would be that a weapons convention involves all states and has a series of phases for the elimination of the weapons.

The convention would outline a series of five phases for the elimination of nuclear weapons: first, taking nuclear weapons off alert; secondly, removing weapons from deployment; thirdly, removing nuclear warheads from their delivery vehicles; fourthly, disabling the warheads and removing and disfiguring the "pits"; and fifthly, placing the fissile material under international control. It seems to me that the way forward, towards nuclear disarmament, must be a combination of next year's NPT review and what can be achieved from that and the participation by the five declared states and all the others, and of promotion of and support for the concept of a nuclear weapons convention that can help to achieve that degree of disarmament.

Bob Spink: The hon. Gentleman is making quite a bit of sense—we do not always agree—but he is speaking generally. May I press him to be specific? Does he, like me, believe that Britain's rush towards replacing Trident is inconsistent with the NPT, which we signed in 1970?

Jeremy Corbyn: I was coming to that anyway, but I agree with what the hon. Gentleman says in that respect. I therefore ask the question: what contribution is Britain

[Jeremy Corbyn]

making? Britain is not the biggest holder of nuclear weapons anywhere in the world; it does not have the largest number of warheads. It is, on one level, secondary to the big holders of nuclear weapons, which are primarily Russia and the United States. Nevertheless, we hold nuclear weapons; we are one of the five Security Council members; we are one of the five declared nuclear weapons states. The Minister will be well aware of the strength of parliamentary feeling concerning nuclear weapons and the strength of feeling in our own party, but also of the strength of feeling concerning the whole programme of Trident replacement, the vote that took place in the House on replacement of the submarine system, the initial gate decision that has to be taken and the final decisions, which I assume will be taken in the next Parliament.

I hope that, as part of our contribution towards the NPT review conference next May, we shall do a number of things. One is to say that we are not proceeding with the incredibly expensive replacement of Trident. Greenpeace and others estimate the cost to be £76 billion upwards over its 25-year lifespan, which is £3 billion a year. I am thinking of the message that that gives the rest of the world when perhaps we are on the threshold of nuclear disarmament—that is the atmosphere and the opportunity. Therefore, not to proceed with replacing Trident would be a very good thing.

I recognise the taking of submarines off patrol. I recognise the reduction in the number of warheads. I recognise the Government's willingness to develop an arms reduction laboratory and to take part in a number of serious discussions and conversations about a nuclear-free world. That is welcome and a change, but we must take a significant step ourselves. The NPT review starts on 3 May next year, when I suspect that everyone in this Room will be busy doing other things. I would love it if whoever the British Government send to the NPT review were prepared to say that we are not proceeding with Trident, that we are prepared to take part in a nuclear weapons convention and that we recognise the importance of achieving a nuclear-free world.

The implications of not doing so are very serious. We should never forget just how evil and immoral nuclear weapons are. They are a weapon of mass destruction. They cannot be targeted at an individual military establishment or a specific bridge or whatever. A nuclear weapon is, by its very nature, blind to who it kills and what it destroys, because it is so huge. The nuclear weapons used in Hiroshima and Nagasaki, which were tiny compared with today's weapons, killed several hundred thousand people in the first few hours and many more in the years to come through the fallout and the results of that explosion. The weapons available today could wipe out this planet several times over. Is it a good idea to have them? Obviously not. Is it a good idea to disarm? Obviously, yes. Is there a process available to do that? Yes, there is. The process is the NPT; the process is the nuclear weapons convention, but above all, it requires a sign and a commitment from the five declared nuclear weapons states that they are prepared to move towards disarmament and to envisage a nuclear-free world.

None of the threats that are around, of instability and all those issues, can be solved by the possession of nuclear weapons, but the more we have big, powerful nuclear weapons, the more others are encouraged to develop them. I am not in favour of any country developing its own nuclear weapons, be it North Korea, India, Pakistan, Israel or Iran. I am therefore in favour of an inspection regime that inspects all civil nuclear power facilities, and above all I am in favour of an openness about and the inspection of fissile material, so that there is no production of fissile material that can then be converted into weapons-grade plutonium. It is very important to achieve those things, and we achieve them through dialogue, inclusion and a nuclear weapons convention.

I hope that the Minister can give us some optimistic news, that Britain will play its full part in the run-up to the NPT review conference and that there will be a further parliamentary debate on this issue in the early part of next year, so that we can have some parliamentary input into that. Members of Parliament have a role to play; we have an important part in the debate and the message that we give out can be very important.

I hope above all that this country does not go down the road of replacing Trident and creating a new generation of nuclear missiles, but says yes, we are prepared to take the step necessary to take away the threat of a nuclear holocaust around the world, because that is the direction in which we should go. If we miss the opportunity at the NPT review conference next year, rearmament around the world and proliferation of nuclear weapons could—I hope that it does not—follow, so this debate is timely and important and I thank my hon. Friend the Member for Manchester, Central for securing it and for what he said today.

5.39 pm

Willie Rennie (Dunfermline and West Fife) (LD): I pay tribute to the hon. Member for Manchester, Central (Tony Lloyd) for introducing the debate. His remarks were calm and considered, but he was also extremely knowledgeable in his presentation of the facts. Given that this is such an important issue, which rouses considerable passions, he deserves quite a bit of credit for that. The hon. Member for Islington, North (Jeremy Corbyn), too, deserves credit. I always listen carefully to what he has to say, although we do not always agree. However, his passion and the incredibly detailed information that he has fully embraced are quite incredible. I am glad that he goes to the non-nuclear proliferation treaty meetings and the NPT conferences; I hope that the various Governments there will have listened to him, because he has a considerable amount to contribute.

I have been enthralled by today's debate, although I am not sure that my speech will reach the standard of previous contributions. However, I shall try my best. What is different this time about the period in advance of the NPT review is the contributions made by significant figures in America. It is all about politics, relationships and trust, so the leadership that we have in place is crucial. Senators Sam Nunn and Bob Graham, and William Perry, George Schultz and Henry Kissinger—significant figures from the American establishment—are not normally associated with this kind of debate. Having them take part is of great assistance.

We constantly praise President Obama. His tone, his demeanour, his approach and his emphasis on these matters is impressive. He has opened doors that his predecessors slammed shut and padlocked, determined never to open them again. We can now have sensible discussions rather than megaphone diplomacy with Russia, Iran, North Korea and China; and even France is being considered for discussion, a country that the Americans were never greatly enamoured with in previous years. I believe that President Obama, too, deserves credit.

I pay tribute, as I said, to the hon. Member for Manchester, Central for introducing this timely debate. It is important that we consider these issues.

Tony Lloyd: I would not normally intrude into such a speech, but the hon. Gentleman may have missed paying tribute to someone else—as, indeed, I did. One country that sometimes gets obscured in the process is China. Its premier, Hu Jintao, has stated that China also supports the international community in developing long-term plans, including the conclusion of a convention on the complete prohibition of nuclear weapons. It is not only the conventional list of people involved in the debate; it includes other interesting but important characters.

Willie Rennie: China is looking beyond its borders. In the past, it was quite isolationist. It is now looking abroad—to a certain degree controversially so with Africa—but if it is operating in a more global sense there may be opportunities. With a man like Obama at the helm, and with the great support of the establishment in America, we might well make significant progress.

I also pay tribute, uncharacteristically, to a constituent of mine—the Prime Minister. He deserves credit for the priority, time and consideration that he has given to the matter. He has made a number of high-profile keynote speeches, and made specific contributions to the debate. I agreed with him when he said that

> "we cannot expect to successfully exercise moral and political leadership in preventing the proliferation of nuclear weapons if we ourselves do not demonstrate leadership on the question of disarmament of our weapons".

He has come up with a disarmament package, and has been considering the technology and a nuclear bank. However—there is always a "but"—the foundation upon which he is building that dialogue is fractured.

The hon. Member for Castle Point (Bob Spink), who is no longer in his place, mentioned the debate of a few years ago on the renewal of Trident. We made the case strongly at the time that such a decision was premature. We did not need to make it then. We thought that the main gate was a more appropriate time. However, it is not simply a party political debate for us in this country; we are also sending out the message to partners throughout the world that we are carrying on regardless.

The Prime Minister also spoke of cutting the number of missile tubes from 16 to 12, but for a number of years the Trident submarines have all operated on 12, so it was not a substantial commitment. He must be careful that his commitments are substantial and recognised. The audiences that listen to such debates and hear such commitments understand the details. Another important matter is the strategic defence and security review. Not to include Trident in that review will again send the poor message to the rest of the world that we are carrying on regardless. None the less, the Prime Minister is committing time and political capital to the issue, which is what it deserves. Along with the major figures in America, we might therefore make some progress.

The next important thing is to have an early discussion about the initial gate for Trident. The debate has been put off, which I regret, as I believe that it would be worth having such a debate before the election. However, I am glad that it has been recognised that the decision should not have been snuck out during the summer recess.

Since the vote two or three years ago the domestic and international reality has been radically transformed. In the light of the economic recession, it is incumbent upon us to review our priorities. It has even put into greater focus the £76 billion cost of running Trident. We have also moved on significantly regarding the threats posed to this country. We no longer have a cold war.

People say that, because we can never predict the future, we should never change our strategy; but unless we try to project into the future and predict what the threats might be, we will be hamstrung. We will constantly be going for the gold-plated option. We will never be considering in a smart or intelligent way how to deal with the threat that is posed. President Obama is opening dialogue with other countries, but it is important that we follow with action.

We must also consider whether, in our dealings with Iran and North Korea, it is possible for us to provide any motivation or incentive for those nations to act differently. Will Britain's continuing to have nuclear weapons have an impact? The hon. Member for Manchester, Central rightly referred to incentives and sanctions. It is an important consideration. The grand bargain has been broken: we did not complete our part of the bargain of constantly striving towards disarmament.

Although my party is not in favour of nuclear power, we recognise that part of the bargain was that other countries would have access to the nuclear cycle for civil nuclear power. That part of the bargain, too, has not been progressed. It is little wonder, therefore, that those countries have lost faith in the non-proliferation treaty and are now seeking to go their own way. If we are to encourage those countries to act more responsibly, we need a package of incentives and sanctions.

It is no good coming up with alternatives just in advance of the NPT. We need longer-lasting initiatives and ideas if we are not to end up with countries saying, "We are fully committed to the NPT," and then going on to say that they will never get rid of their nuclear weapons because they cannot predict the future and therefore need their gold-plated protection to remain in place. We must act on our words. We need much more effective delivery over the long term if those countries are to have any faith in commitments made by NPT members.

We Liberal Democrats have reviewed our position in the light of changing international and economic circumstances. We have also reviewed our position on Trident. My right hon. and learned Friend the Member for North-East Fife (Sir Menzies Campbell) has been commissioned by our party leader to consider the alternatives. I shall not go into them now, because I do not want to prejudge what my right hon. and learned Friend will say. Nevertheless, if the Government took a similar approach, they could send out to the rest of the world the message that we were seriously considering changes to our nuclear weapons systems, so that there could be more trust in what we were committing to.

As hon. Members know, article VI of the treaty relates to nuclear disarmament. It states:

[Willie Rennie]

> "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control."

The 2000 NPT review conference agreed 13 practical steps, of which No. 6—I hope hon. Members will forgive me for reading it out—refers to

> "an unequivocal undertaking by the nuclear-weapon states to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all states parties are committed under Article VI".

I would challenge those who believe that, as we can never predict the future, we must always have a system, about whether they are truly committed to the NPT conference, the NPT treaty and the 2000 review conference, and to the 13 practical steps that were outlined. I have heard other parties say, "As we can never predict, we will never get rid of it," but I think that that position does not comply with the treaty. I would like to hear from the other parties whether they will consider removal of our nuclear weapons systems, and not adopt the argument about never removing them because we can never predict.

That is an important consideration, because if we do not act on our words, use the right language and have the right commitment, it will be no surprise when other countries deviate from the provisions according to which we believe they should be operating.

5.51 pm

Mr. David Lidington (Aylesbury) (Con): I, too, congratulate the hon. Member for Manchester, Central (Tony Lloyd) on securing the debate and on the quality of his opening speech. A few weeks ago, I had the pleasure of travelling with the hon. Gentleman and the right hon. Member for Kilmarnock and Loudoun (Des Browne) to Washington, where we met various representatives of the United States Administration to discuss the matters we are debating today. My conversations with the hon. Gentleman during that visit left me in no doubt about not just his expertise in dealing with this subject, but his deep and long-standing commitment to the cause of non-proliferation and multilateral disarmament.

When we look at the history of the non-proliferation treaty, we can take some pride in the fact that it has helped, in its way, to keep the peace in the world over recent decades. Most importantly, the existence of the treaty and the framework of inspections and controls it incorporates have provided mechanisms that have prevented proliferation. In trying to imagine how the world might have developed if the NPT had not existed, I think we would today see a world with many more powers in possession of nuclear weapons. The NPT and the International Atomic Energy Agency have also provided a mechanism for allowing certain countries—the ex-Soviet republics of Belarus, Ukraine and Kazakhstan, and also South Africa—to dismantle nuclear weapons programmes that they had on their territory.

Nevertheless, the NPT arrangements are now under strain as never before. That derives from a number of different trends, to which the hon. Gentleman alluded. At its most basic, nuclear know-how is much more widely spread throughout the world than in the 1960s or 1970s, and that knowledge of details of nuclear technology can be transmitted from country to country on a disc or at the click of a mouse. Because of rising hydrocarbon prices and concerns about climate change, more and more countries are looking to develop civil nuclear energy programmes, as they are entitled to do, but which adds to the risk of creating a further spread of nuclear knowledge and materials around the world. That makes it ever more important that systems of physical control and of inspection are fit for purpose.

As the hon. Gentleman said, there are now not only sovereign states that have developed or are seeking to develop nuclear weapons capability in defiance of the non-proliferation treaty, but terrorist groups that make no secret of their wish to obtain weapons of mass destruction and use them to create as many victims as possible. Today the ambition and example of North Korea and Iran are testing to the limit whether the controls embodied in the NPT actually work and will provide a safeguard against further proliferation.

My party is utterly committed to making next year's NPT review a success. My right hon. Friend the Member for Richmond, Yorks (Mr. Hague) has spoken on a number of occasions about the critical importance of the review and his fear that if it were to fail or be seen to have been a failure, it would in practice present a green light to other nations with regard to starting to develop nuclear weapons programmes of their own.

[MR. JOE BENTON *in the Chair*]

We would like to see the parties to the treaty set themselves a number of objectives next year. One should be to strengthen the inspectorate by, for example, making the additional protocol, with its provision for unannounced inspections, mandatory for all signatories to the treaty. Another should be to make it easier for action to be taken against violations of the treaty or defiance of the IAEA. For example, there might be provision for automatic reference to the Security Council if a country acted in the way that Iran has done, having withdrawn from the additional protocol after originally subscribing to it.

Jeremy Corbyn: As the hon. Gentleman knows, I am not in favour of anybody developing nuclear weapons, but will he concede that although Iran has not signed up to the additional protocol, it has maintained membership of the NPT process itself? That is quite valuable, because it provides an opportunity for negotiation, discussion and debate. If Iran was driven out of the NPT, it would not be very helpful.

Mr. Lidington: It is certainly important that Iran remain within the NPT process and that inspectors can carry out checks, but as the hon. Gentleman knows, one of the major anxieties about the Iranian Government's conduct is that they still refuse to co-operate fully with the IAEA's requests to be allowed to inspect the facilities that it wants to examine or to have access to the individual Iranian scientists and other officials to whom it wishes to speak. When Iranian Government spokesmen say or hint that if they are pushed much further, they will walk out of the NPT altogether and chuck the inspectors out of their territory, it sends a message saying that one has reason to mistrust the Iranian Government's intentions. Whether or not that is the message they intend to convey, that is how such an attitude is interpreted elsewhere in the world.

Another important item on next year's agenda should be efforts to internationalise the nuclear fuel cycle. Again, that is very much a live issue in respect of Iran. Different Governments, including our own, have made various proposals such as international banks of enriched material or guarantees from existing nuclear weapons states to supply the enriched material required for the civil nuclear programmes of countries that are not nuclear weapons states but that wish legitimately, within the treaty framework, to develop civil nuclear energy programmes. Establishing some form of international control over the nuclear fuel cycle is essential if those countries seeking to develop civil nuclear energy are to be able to press ahead while retaining confidence that adequate safeguards against weapons proliferation remain in place.

Tony Lloyd: I strongly agree with this part of the hon. Gentleman's speech. Does he accept that a country considering gaining access to civil nuclear energy would want absolute guarantees that it would not face massive commercial disadvantage as a result of internationalisation or the possibility that, for reasons outside the ambit of the NPT, people could try to use the process as a way of interrupting the fuel cycle? It must be a system secure enough to allow those who buy into it to trust the regime.

Mr. Lidington: I agree. Confidence on the part of those countries that are not nuclear weapons states but wish to develop civil nuclear energy that they will not be put at a permanent disadvantage in the security of their legitimate energy supplies by arrangements designed to stop weapons proliferation will be crucial to the success of the review which we all hope for. That is an important point.

The other item that has to be addressed next year, though I do not underestimate how difficult it will be to achieve, is finding a way of extending the NPT regime to those nuclear weapons states—India, Pakistan and Israel—that have nuclear weapons but are not party to the treaty and recognised as nuclear weapons states. One big problem we will face next year is that any change or new and binding arrangement will need unanimity. Looking around the world at the tensions in various regions, one sees how easy it would be for even a relatively small number of countries to disrupt proceedings for their own reasons and make it impossible to reach a unanimous and constructive conclusion.

The political climate in which the review will take place is certain to be influenced by other developments, not least what happens between now and then in North Korea and Iran. I hope that the Minister will bring us up to date on the Government's assessment of the situation with both those countries. From the outside, it seems that the challenge posed by North Korea has calmed somewhat in recent months. The language of the North Koreans is not quite as belligerent as it was earlier this year. Does the Minister believe that there is cause to hope that there is a way forward in persuading Pyongyang to return to the NPT and to suspend and then abandon its weapons programmes?

With Iran, from where I stand, it seems to be a case of pessimistic assessments becoming more powerful. A couple of weeks ago, we were all hoping that the compromise proposal for Iranian nuclear material to be sent abroad for enrichment might be agreed by all parties, but the reluctance of Tehran to sign up to that compromise is disheartening. That causes us to wonder about the good faith of the Iranian Government in the nuclear negotiations. It would be helpful to have the Minister's assessment of how the Government see the state of play there.

As the hon. Member for Islington, North (Jeremy Corbyn) pointed out, the context for next year's review of the NPT will also be affected by progress, or the lack of it, in other nuclear negotiations and agreements. I do not think that he and I have ever in our political lives been on the same side of a debate on nuclear weapons, but I make it clear that we accept that all nuclear weapons states that are party to the NPT are bound by the obligation to seek multilateral disarmament. In response to the call by Henry Kissinger, George Shultz and Sam Nunn for setting an objective of abolishing all nuclear weapons, we said that we would sign up to it while remaining cautious about the time that it will take and the enormous difficulty of achieving such an objective, however desirable.

The first step that might be taken towards a new round of multilateral disarmament and creating a propitious climate for the NPT review would be if the United States and Russia were to agree on a replacement for the strategic arms limitation treaty when that expires next month. Do the Government believe that such a deal between Washington and Moscow is likely and, if so, what time frame might it be achieved in? Do they think that a START—strategic arms reduction treaty—agreement might then lead to a further round of multilateral talks in advance of the review of the NPT next summer? I hope too that the Government might be able to tell us something about the state of progress on international agreement on physical control of nuclear materials and the idea of a fissile material cut-off agreement.

Finally, I hope that next year the Government will encourage our friends in the United States, particularly our friends in both parties in the US Congress, to accept that American ratification of the comprehensive test ban treaty would be a major signal of US commitment to the process of multilateral disarmament. It would undoubtedly help towards the achievement of a successful review of the non-proliferation treaty, which it is profoundly in the interests of this country to secure and which, clearly from today's debate, commands the support of all sides of the House.

6.10 pm

The Minister of State, Foreign and Commonwealth Office (Mr. Ivan Lewis): I begin by congratulating my hon. Friend the Member for Manchester, Central (Tony Lloyd) on securing such an important debate and by paying tribute to him, as one of my predecessors as a Foreign and Commonwealth Office Minister and in his role as a parliamentarian, for being a long-standing champion of a nuclear-free world.

As my hon. Friend said, we are facing a year of unique opportunity, but also one of unique challenge in some ways, which will be a test of political leadership and political will. In the same way as this generation's response to the challenge of climate change will determine the destiny of future generations—that is generally understood—the question of nuclear proliferation is

[Mr. Ivan Lewis]

very much up there as one of the top issues about which this generation of politicians must make difficult choices that will determine the destiny of the world in the long term.

Today's debate has been measured, mature and an important contribution to raising awareness of the non-proliferation issue as we face a year of unique opportunity and challenge. The issue needs a lot more of the oxygen of debate in Parliament and in the country, in terms of the leadership role that Britain seeks to play and will be playing.

Since the House last debated nuclear non-proliferation and disarmament, the Government have continued to give the issue a top priority. The Prime Minister launched the UK's "The Road to 2010" plan in Parliament on 16 July, which set out a detailed blueprint of proposals for a balanced strengthening of the non-proliferation and disarmament regime. It has been well received and gained positive support from President Obama.

On 3 and 4 September, we hosted a groundbreaking conference for the P5—the five permanent United Nations Security Council members—to discuss confidence-building measures towards nuclear disarmament. We worked closely with the Security Council members to secure the landmark summit chaired by President Obama and resolution 1887, which has helped to increase political momentum for strengthening the non-proliferation treaty. Secretary of State Clinton said that the UK's leadership was a crucial factor in the success of the summit.

Next May, at the NPT review conference, we must give expression to and make tangible steps forward towards the new positive approach. Working with partners from across the international community, we shall seek a mandate for concrete, realistic and balanced action to strengthen the NPT's three mutually reinforcing pillars: non-proliferation, disarmament and the peaceful use of nuclear energy. We want a mandate to strengthen the non-proliferation regime through improved safeguarding, verification and compliance measures.

We believe that comprehensive safeguard agreements, which allow the International Atomic Energy Agency to track its members' declared activities, and the additional protocol that will allow the IAEA to detect undeclared activities, should become the obligatory minimum standard, so that the organisation can police the non-proliferation regime effectively. We are committed to ensuring that the IAEA has the necessary authority and capacity to assure compliance with non-proliferation objectives.

As hon. Members have said, improving the organisation's ability to detect safeguard violations will not be enough. Potential violators must know that if they are caught there will be a high price. We should adopt automatic penalties for violation of safeguard agreements, such as suspending international nuclear co-operation or technical co-operation projects until compliance has been restored. Referral to the UN Security Council would be another option.

Outside the NPT process we must use financial and legal tools better to disrupt illicit proliferation networks, which will mean tightening controls on transshipment and strengthening restrictions on transfers of enrichment and reprocessing technology. More robust international mechanisms of enforcement are essential to ensure that we avoid future challenges such as those presented by North Korea and Iran. The international community must stand together to demonstrate that if the NPT is to be taken seriously, it will truly be enforced. The actions of Iran and North Korea must not be allowed to prevent the international community from moving forward to a more peaceful era.

Our position is very clear and it is important to make the point: Iran has a right to a peaceful nuclear programme, as any other country does. We respect Iran as a major country in its region, with a major international role to play, but it needs to understand that there is an expectation that it will adhere to international rules and be transparent about all aspects of its nuclear programme. Without that, the international community can have no confidence in the intentions of the Iranian regime and will have to act appropriately.

By conducting a nuclear test, North Korea contravened its international legal obligations under the NPT, and its ballistic missile launches are a clear breach of UN Security Council resolutions. Those provocative actions undermine regional security. In response to the hon. Member for Aylesbury (Mr. Lidington), there is a glimmer of hope for North Korean engagement but, as yet, there are no tangible signs of a North Korea willing to play by the rules. We continue to hope that it will change course. In the same way, we hope that, although the clock is ticking, Iran will respond positively to the offer of dialogue, diplomacy and engagement to reach a peaceful resolution to the situation.

Hon. Members raised the question of India, Pakistan and Israel. My hon. Friend the Member for Keighley (Mrs. Cryer) suggested that Britain had done nothing to apply pressure to India and Pakistan. I assure her that Britain continues, both in our bilateral relationships and in multilateral dialogue, regularly to make the point to India and Pakistan that we want them to come within the international framework and the international regime. One point that is not often sufficiently made about our action in Afghanistan is that it is due to the serious and real threat of Pakistan's nuclear capacity falling into the hands of fundamentalist terrorist organisations, which would threaten the stability not only of the region but of the entire world.

I recently met the deputy Foreign Minister of Israel as part of bilateral dialogue between our countries. We made it clear to Israel that now is the time for it to sign up to the treaty. Even Israel's making a clear statement that it was considering joining the NPT, perhaps against an agreed time frame, could make a significant difference to the willingness of other middle eastern countries to participate and to their sense of security. This may be a moment when Israel can seriously consider signing the NPT, which would be a major contribution to progress in the period ahead and to giving greater confidence to other states in the region.

My hon. Friend the Member for Manchester, Central raised the question of the price of withdrawal from the NPT. Our position is that we support the EU document tabled at the 2007 committee that sets out clear consequences for countries that quit the treaty in circumstances likely to damage international security. It is good that discussion on modalities was referenced in September's Security Council resolution 1887, promoted by President Obama. One of our priorities is to make progress on that.

As the Prime Minister has said, to exercise leadership on non-proliferation, the nuclear weapons states must show the same moral and political leadership on disarmament. That also plays to the point that my hon. Friend made about negative security assurances. We understand the desire of non-nuclear weapons states for negative security assurances, but, more than that, the United Kingdom has already given such assurances to almost 100 countries under the nuclear weapons-free zone treaties. We were delighted to be able to support the Thai resolution at the UN General Assembly two weeks ago, which called for the resumption of consultations on the south-east Asia nuclear weapons-free zone treaty.

Tony Lloyd: The Minister is making roughly the speech that I had expected. That is a compliment, not an insult. Negative security assurances can be treaty-based. Nuclear-free areas of the world already exist. On the middle east, there is sense in saying to Israel and the Islamic Republic of Iran that the world recognises their particular security needs. That should be done not just by Britain, but collectively to reassure them that if they were to forgo nuclear weapons, it would not be at the cost of their survival, nor would it increase the threat from their neighbours.

Mr. Lewis: I agree with my hon. Friend. Such guarantees would be extremely important to a long-term settlement in the middle east, at the heart of which would be a two-state solution and the offer from the Arab League states to normalise relations with Israel. We should pay serious attention to that issue as we move towards the review conference in May.

Tony Lloyd: And to Iran.

Mr. Lewis: And to Iran.

Jeremy Corbyn: In the run-up to the NPT review next May, does the Minister have any hopes for the development of a nuclear weapons convention or the participation, by some mechanism, of India, Pakistan and Israel in the review? Is he concerned that, having withdrawn from the NPT process after developing its own nuclear weapons, India was ultimately rewarded by the United States with nuclear technology? That is not a good precedent.

Mr. Lewis: Logically, a convention could be the ultimate legal underpinning of a nuclear weapon-free world. However, we cannot wish away current political realities and pretend that negotiations on such a convention would make headway. We believe that having a new conference or new bodies to discuss such a convention at this time would run the risk of undermining the NPT.

We are concerned about th[illegible]t out by the Indian deal, but assurances about [illegible] future conduct were gained as part of it. We want to see the delivery and implementation of the commitments made by India, but we have not seen anywhere near as much progress as we would have liked. I must make progress to do justice to the points raised by hon. Members.

On Trident, hon. Members are aware that the initial gate report will consider a broad design option and recommend a preferred option. That will allow detailed design work to start. It will not involve a decision on the number of boats or on the warhead. Initial gate is an internal decision point that will ensure that the programme is on track. Construction contracts will not be issued until after the main gate, which will be at some time around 2014, although there will be similar contracts to commission design work after initial gate. There is a commitment after initial gate to keep Parliament informed and to ensure that there is an opportunity for further debate and discussion.

Although I respect the contribution of the hon. Member for Dunfermline and West Fife (Willie Rennie), the question of what is Liberal Democrat policy on the replacement for Trident remains. His contribution erred on the side of scepticism about the replacement for Trident. He should not give the impression to the House or the public that Liberal Democrat policy is that there should be no replacement for Trident, unless he wants to clarify his party's policy on the matter.

Willie Rennie: I am grateful for the opportunity. I did not know that the Minister took such great interest in my party's position. We have made it clear that, first, the decision was premature, and secondly, we will not replace Trident on a like-for-like basis. We have made that statement and my right hon. and learned Friend the Member for North-East Fife (Sir Menzies Campbell) is conducting a review to look into those options. The Minister knows that that is our position and that it remains our position.

Mr. Lewis: I thank the hon. Gentleman for clarifying that the Liberal Democrats are conducting a review and that they have certainly not made a decision not to replace Trident in any form. It is important that the public are clear about the respective policies of the political parties that are represented in the House.

I want to deal with the point that my hon. Friend the Member for Manchester, Central made about fissile material security, which was also mentioned by other hon. Members. The Government are committed to tackling the threat of terrorists getting their hands on fissile material. We have developed an extensive programme of work to mitigate that and we have worked closely with international partners and doubled our contribution to the IAEA nuclear security fund to assist countries in improving the security of their nuclear facilities.

However, it must be said that there is still considerable work to do. We welcome the fact that the new United States Administration have signalled that the matter will be one of their top priorities and that Parliament has expressed its support for our policy on nuclear security. The scrutiny period on the ratification of the amendment to the convention on the physical protection of nuclear material has now passed and we will be formally ratifying the convention in the coming weeks.

I want to refer to the comments about the negotiations—the discussions—between the United States and Russia, which I think hon. Members accept is a very important element to our capacity to make progress because, after all, US and Russian nuclear weapons comprise some 95 per cent. of the world's total stockpile. We very much welcome the joint understanding between Presidents Obama and Medvedev in July to conclude a successor agreement to the strategic arms reduction treaty, which expires in December. In response to the hon. Member for Aylesbury, we are hopeful that there will be such an agreement by the end of this year on a new legally binding treaty further to reduce US and

[Mr. Ivan Lewis]

Russian strategic offensive arms. That will make a major contribution and send the right signal. However, we also recognise that further progress must be made.

It is worth reflecting on the progress that Britain has made on the issue since the cold war. We have reduced the explosive power of our nuclear forces by around 75 per cent., reduced the number of operationally available warheads to fewer than 160 and reduced the number of nuclear weapons delivery systems to just one. On the submarine-based Trident system, our warheads are not targeted at any particular country and are at several days' notice to fire. We now possess only around 1 per cent. of the global and nuclear warhead stockpile.

Although some hon. Members would say that we have not gone far enough, in the context of multilateralism, we have sought to lead by example and have made an important contribution. In the same way as we have responded to the world economic crisis and the emergency of climate change, in international forums it is our Prime Minister who has often banged the table and demanded a much greater level of global action on the issue. Of course, that was very difficult without a US Administration with a more progressive approach, but now that we have a more progressive partner in the US, there are some very real opportunities. The United Kingdom's level of influence on these issues is significantly linked to the international respect that our Prime Minister has gained as a result of the leadership he has provided over a long period.

The year ahead will be seen as an historic moment in terms of non-proliferation. The challenge that political leaders face is to demonstrate that they are up to this great task and that they will make the right decision for future generations. The decisions that are made this year will determine whether a nuclear weapon-free world is simply some illusion or whether it will be achievable in the lifetime of the parliamentarians who have participated in this debate. There is no doubt that the terms of the debate have changed in recent times. The question is whether the international community can demonstrate the political will to take necessary risks and to take bold and brave decisions that are in the long-term interests of our planet.

South London Line

6.30 pm

Simon Hughes (North Southwark and Bermondsey) (LD): I am grateful to Mr. Speaker for having chosen this debate for this afternoon. I am conscious that, in comparison with the subject of the last debate, this issue might be regarded as parochial. I accept that it is not in the same league as ending the nuclear arms race, but for people who live and work in or visit this great capital city of ours, the future of the South London line is very important. I am grateful to the Minister for attending the debate, and I note the presence of the hon. Member for Battersea (Martin Linton), who also has an important constituency interest in this matter. I will be happy to accept a contribution from him later in the debate.

Those of us who have represented south London for a while have had many battles about transport. I was reflecting earlier on a debate that occurred when I was first elected, in which Lynda Chalker—now Baroness Chalker—was a Transport Minister. I remember that she conceded that south-east London was a white hole on the London transport map and that we needed to do something about it. In those days, the first battle was to persuade London Underground, as it then was, to extend the Bakerloo line down to New Cross to connect with the East London line, and to extend the Northern line down to Camberwell. Both of those extensions seemed entirely logical to everyone—the space was available and there were old railway lines at the Bricklayers Arms yards—but we lost those opportunities, which was a mistake, as the congestion on our roads and buses ever since has shown. I am keen to ensure that we do not lose another opportunity to sustain the level of train and rail services, especially given the changed pattern of services.

Martin Linton (Battersea) (Lab): Before the hon. Gentleman moves on, let me say something on that last point. As Baroness Chalker has lived in my constituency, I am sure that she would agree that the whole of south London suffers because, although it is criss-crossed with railway lines, the railway companies often put the travel needs of south Londoners well behind those of longer-distance commuters. Does the hon. Gentleman agree?

Simon Hughes: I absolutely agree; that has certainly been the case. My constituency has many roads that have railway lines going over them, and in the old days, there were many more local stations. This morning at the Armistice day service in Bermondsey, someone who had heard that I would be having this debate asked me, "Are you also campaigning to make sure that the Spa Road station is reopened?" There used to be more stations like that one, and one of the great battles of recent years has been trying to get the train services to service the people of our communities and not just to pass through, over or under us. I have some suggestions on ways we can ensure that it does not happen again.

The next battle that I fought was about the Jubilee line extension that Mrs. Thatcher's Government wanted. They were in discussions with the people at Canary Wharf about paying for it, but the proposal that was the main runner was for the line to run from Waterloo to

London Bridge and then directly to Canary Wharf without stopping anywhere in between. That case required private legislation, and I am happy to say that I blocked it for long enough to achieve what was needed. I later saw a memo that said something like, "If we don't give in to the local MP, we're never going to get this line at all." So I think that the most prized success of my political life has been winning two extra tube stations—one in Southwark and one in Bermondsey—at a cost of £25 million each. They are very valued stations, and it would have been a nonsense to have a tube line extension that did not stop to serve the local business and resident communities, and visitors. Fortunately, we were successful.

We then had a battle to make the East London line connect with things, because it used to be the shortest of the tube lines running north to south under the Thames, ending at New Cross and New Cross Gate in the south. That was closed for a long time and we feared that it would not be reopened, but we were successful and won the argument to reopen it. It has now been closed to be turned into an Overground line, which is due to open next year and is on time. It will run from Highbury and Islington in the north to Crystal Palace and West Croydon in the south, and there will be new stations, which is very good, and which we are grateful for.

The debate is not about either/or. That line is on target, on time and will be a valuable addition to the transport system in London. It will be well used. In the run-up to the Olympics, and during and after the games, it will be extremely valuable for connecting all the people coming in from the south-east of England and saving them from having to go through the centre of London.

Martin Linton: I, too, welcome the development of the East London line. I understand that trains have already run on the tracks as far as Dalston and that the works are ahead of schedule. The East London line phase 2 was agreed thanks to my right hon. Friend the Member for Ashfield (Mr. Hoon) when he was Secretary of State for Transport. It is vital that the official EU notice of the East London line phase 2 contract should be signed next month and is not delayed. I understand that that might be delayed, but that would be a great shame at this stage for a project that is so needed and that has been on time so far.

Simon Hughes: The hon. Gentleman and I share a common interest in ensuring that that really good idea is taken through to completion, and I endorse his intervention completely.

Our fourth battle was over the Thameslink line, but that was another example of the interests of the locals being bluntly overridden in the end. The options were whether the Thameslink service, which in itself is a good thing—a north-south, through-London, cross-capital service linking Luton airport in the north to Gatwick in the south—should go via the Elephant and Castle and Herne Hill or via London Bridge and the other way. After many public inquiries it was decided that it should go via London Bridge. Although that was well received by commuters on the line, it was not well received locally because it has meant the demolition of a listed building at Borough market, the alteration of other listed buildings and the moving of the market itself. Many of us feared that the character of that fantastic mediaeval wholesale market, which is still working and very popular, might be put at risk. We lost that because of the point to which the hon. Gentleman referred: in the end the interests of the wider community overrode those of the local community.

There are also other, smaller consequences of that decision. For example, if one wants a night service on the Thameslink line one now has to go to St. Pancras to join the service. Debates are still ongoing about the removal of the international terminal from Waterloo to St. Pancras, and the Minister helpfully saw a group of us a few days ago to discuss the future of Waterloo station, because clearly that also needs redevelopment.

My last specific point relates to the South London line, which is an orbital, loop line running from London Bridge in my constituency. It runs through South Bermondsey, which is also in my constituency, Queens Road Peckham, Peckham Rye, Denmark Hill, Clapham High Street, Wandsworth Road and Battersea Park and arrives in Victoria. Just as we have a North London line, so we have a South London line, and it has been a very useful service. I clearly have a specific interest in two stations and their users. Today's debate is timely because the Minister's colleague, the right hon. Member for Tooting (Mr. Khan), met today with the Mayor of London, Members of the Greater London assembly, including my colleague, Caroline Pidgeon, who is a Liberal Democrat assembly member, the Southwark rail users group, the Lambeth rail users group, representatives of the King's Health Partners and others. It is also timely because we know that there is an important meeting on 24 November as part of the consultation on the options.

My arguments are simple. My key argument is that I do not accept that as a result of Thameslink, all services on the South London line should finish because it is impossible to accommodate them at London Bridge. I know the lay-out of London Bridge and I understand the arguments—it needs more through track and through platforms and fewer terminus platforms—but I do not think it impossible in engineering or structural terms to continue the service. That would mean that people starting at Victoria or any other stop on the line could carry on around the same line to London Bridge, or vice versa. That is important because clearly, people who live and work in my constituency or visit it find it more convenient to use one train than to change trains, with all the uncertainty that that always produces.

I argue, therefore, that rather than promising a service that will always connect—because, with the best will in the world, it does not always connect—it is better to keep the existing good service, even if it does not run as frequently as it does currently. If people know that there is a regular service twice, three times or four times an hour, they can organise their lives accordingly. If people know that it is more frequent during rush hour than the rest of the day and on weekdays than at weekends, they can organise their lives. That is important for three reasons. First, a growing number of people live and work in and visit boroughs such as mine, which has 250,000 people, and the other south London boroughs affected. For them, it is the most important route. If we are encouraging people to use public transport, we should encourage them to use the South London line.

Secondly, there is a particularly large benefit in having a direct line service from London Bridge and South Bermondsey to Denmark Hill, a recently refurbished

[Simon Hughes]

and hugely improved station. That is the station for King's College hospital and the Maudsley hospital. London Bridge is the station for Guy's hospital. Both serve the university partnership, with the students and those who teach them, at Guy's and St. Thomas' and King's. There are huge numbers of patients, plus all those pursuing their academic life. The numbers of patients are almost unexpectedly high. There are 2 million patients locally, and a potential 5 million patients using the hospitals, as they are specialist teaching hospitals. The Maudsley, with its Institute of Psychiatry, is the premier psychiatric hospital in the country, and Guy's is hugely busy internationally as well as nationally. We are talking about very large numbers indeed. For those people, the South London line is important, particularly for the mentally ill, physically ill or disabled. Changing trains or finding access to stations difficult adds to the burden, risk and difficulty or puts people off altogether, and they resort to other, more expensive forms of transport such as their own private car or a cab.

Lastly, although the numbers are not as big, Millwall football stadium, the New Den, is at South Bermondsey, and is used regularly. Millwall, happily, are doing fantastically well again, having just won in the cup on Monday, and they are shooting back up to the top of their league. It is also used for other events, not just football. It would be nonsense if we cut off people's direct access to such an important venue.

Martin Linton: Does the hon. Gentleman agree that some other stations on the South London line would suffer even more? I am thinking particularly of Wandsworth Road. It would lose its direct link with Victoria, which also serves my constituency as well as that of my neighbour. Battersea Park would be cut off entirely from the South London line. Would it not be preferable to allow selective door opening at those stations? Service into Victoria from all of them could be accommodated easily provided that Network Rail got over its embarrassment at having selective door opening so close to Victoria. That seems to be the only reason holding it back from continuing a direct link to Victoria from those stations.

Simon Hughes: The hon. Gentleman makes an absolutely clear point. The options study is now on the table. People have accepted that we need to consider the options. There is equivocation about whether we should accept that we cannot get trains all the way around the loop to London Bridge. We need to be absolutely clear that we start with a service that keeps the line running all the way around the loop, for the reasons that he and I argue, and then work out how to add to infrastructure, train length and so on as the need arises.

I want to finish by giving some figures. There are 25,000 members of staff at the health and academic institutions on the sites that are affected at Guy's hospital, in London Bridge, and at King's College hospital and the Maudsley hospital, in Denmark Hill. There are 15,000 students and academics across the three campus sites at those hospitals.

I am conscious that this is an issue of both technicality and funding. I would be really grateful to hear from the Minister today that the Government will not say that they oppose the idea of continuing to look for a way of keeping the service between Victoria and London Bridge, although I obviously understand that we would have to look at how the funding would be raised to keep the service. However, if in theory it is acceptable to the Government, who are a key stakeholder, the Government can come in to bat with Members of Parliament, such as the hon. Gentleman and myself, with Transport for London and others with an interest, to ensure that we keep a service and do not lose it.

If we are arguing for public transport, to reduce a service or to make public transport on the trains of south London more difficult at this stage seems to be completely contrary to all logic. I hope, therefore, that the Government can give us a helpful reply.

6.46 pm

The Parliamentary Under-Secretary of State for Transport (Chris Mole): First, I want to congratulate the hon. Member for North Southwark and Bermondsey (Simon Hughes) on securing this debate and on making the case so well for rail services in this area of south London. In the time that I have, I may struggle to cover the complexity of the issues involved and he may not find that the shape of my response entirely matches the way he has put his questions. However, I will hopefully cover much of the ground as we go along.

I am aware that this issue is also of interest to a number of other Members of Parliament, given the correspondence I have received over the summer, to other stakeholders and indeed to the wider public. As was mentioned earlier, the Minister of State, Department for Transport, my right hon. Friend the Member for Tooting (Mr. Khan), met a delegation from the London assembly, including the Mayor of London, earlier this afternoon to discuss this very issue.

It is probably worth starting my response to the points that were raised by setting out the background to the proposed changes on the South London line and some details about the existing service. It is also worth making it clear that, when referring to the South London line, I am referring to the service from London Bridge to London Victoria via Peckham Rye and Denmark Hill—not forgetting, of course, South Bermondsey station, which is used by the hon. Gentleman's constituents.

The current service operates every 30 minutes in each direction between London Victoria and London Bridge, and it is operated by two-car trains through most of the day, with four-car trains provided in the morning peak period. It provides the only service for Wandsworth Road and Clapham High Street stations, with all other stations on the line being served by other train services. These services on the South London line, although busy in peak periods, do not have a material crowding problem. Indeed, the latest "passenger in excess of capacity" figures for autumn 2008 show fewer passengers than overall capacity on all trains.

I also want to give some background to the Thameslink work at London Bridge and planned service changes. As the hon. Gentleman will be aware, works on the Thameslink programme have already commenced across London. From late 2012, some time after the Olympics, London Bridge will become the focus for the project. While works are carried out, the capacity of London Bridge, in terms of the number of trains it can accommodate, will be reduced. It is simply not possible to rebuild a Victorian station that is situated on a viaduct in a congested part of central London without some disruption to services. We all recognise that that reduction in the number of services that can operate into London Bridge is not ideal but, as they say, it is simply not possible to make an omelette without breaking some eggs.

Service changes will also be required on other routes into London Bridge. Indeed, those changes were highlighted in the Department's consultation on the South Central franchise last year. The original plan, as consulted on by Network Rail as part of the South London route utilisation strategy—or RUS—document, was to divert the South London line service away from London Bridge. That would have created a new Victoria to Bellingham service south of Catford, where sidings exist to allow trains on that service to terminate.

The reason for the diversion of the South London line between Peckham Rye and London Bridge is that that line carries the smallest number of passengers into London Bridge of all the services into London Bridge. Typically in the morning peak period, some 350 people are on each of the South London line trains arriving at London Bridge between 8 am and 9 am. The evening peak loadings are significantly lower than that.

I recognise that changes to these services will consequently impact on these current users. However, similar train services into London Bridge carry more than double the number of passengers compared with the South London line, and South London line passengers from Peckham Rye, Queen's Road Peckham, and South Bermondsey will have other services that they can use, which operate from the East Dulwich corridor. For example, South Bermondsey would still have six trains an hour to London Bridge at peak times and four trains an hour in off-peak times.

Although it was recognised that links between South London line stations west of Peckham Rye and London Bridge would be cut, journeys would still be possible via a change of train at Peckham Rye or Queens Road, Peckham, and that is without having to change platform.

For all the reasons noted above, it was the Department's intention to implement a Victoria to Bellingham service in late 2012 in place of the existing Victoria to London Bridge service. The service changes made by TfL now mean that such a replacement strategy will not be implemented as originally planned. The changes were made at the request of the Mayor and TfL.

I turn now to the East London line extension phase 2 to Clapham Junction. The south London route utilisation strategy highlighted the potential benefits that the extension of the East London line to Clapham Junction would bring to this area of south London in providing new orbital links to and from south, west, east, north and north-east London and reducing passenger congestion on London Bridge while rebuilding works were under way. However, despite a significant increase in the budget made available to them in recent years, TfL and the Mayor did not believe that the £75 million scheme was affordable within the TfL budget. That reflected the priority that the Mayor gave to this scheme against other transport improvements in London.

The Department recognised that the East London line would deliver some additional benefits to passengers, and therefore accepted the responsibility to fund a £19 million addition to Network Rail's borrowings to fund works on the national rail network. It also supplied a further £20 million increase to TfL's overall grant to fund part of the East London line project and help fund other transport schemes in London. I understand that around £15 million of that was earmarked for the East London line. TfL therefore proposed to fill the funding gap by withdrawing the replacement South London line service to Bellingham in its entirety from late 2012, with the money saved being diverted towards the capital costs of the East London line extension. The cost savings over 10 years for not operating this service were £24 million, which the Department agreed to provide to TfL.

Therefore, out of an estimated cost of £75 million, the Department will be funding some £58 million of the project, with TfL funding around a quarter of the costs. That was a change that TfL was fully at liberty to request, given the powers granted to it over Department for Transport-specified train services. Similar powers also exist for the passenger transport executives in other metropolitan areas.

TfL made the judgment that the East London line service to Clapham Junction provided better overall benefits than the South London line to Bellingham. As London's transport planning body, it is entirely appropriate that it should make that judgment and assess the trade-offs between the different service proposals, especially as the service operates solely within the zone 2 boundary.

TfL analysis showed that some 12 million people would use the second phase of the East London line, compared with 5 million who would use the Bellingham service.

Martin Linton: I thank my hon. Friend for restating the Government's firm belief in the East London line extension phase 2, which is going ahead. However, does he not think that TfL could easily reinstate the direct link from Wandsworth Road or Clapham to Victoria simply by inserting additional stops and extending operating hours on one of the many other services that go through such stations on their way to Victoria?

Chris Mole: I advise my hon. Friend that we will be exploring more options as we go forward.

As with any such funding agreements, there are a number of conditions attached to the funding, of which TfL was fully aware before it signed up to the offer. Conscious of the need to keep stakeholders informed on any changes, the Department included within the agreement a clause that requires TfL to inform key stakeholders on the route of the changes proposed.

The decision not to implement the proposed London Victoria to Bellingham service was requested by TfL and the Mayor. Implementing both the Bellingham service and the East London line would have been ideal. TfL and the Mayor judged that the East London line extension provided more benefits than the South London line and decided to use funds allocated to a replacement Victoria to Bellingham service to finance a shortfall in funding allocated by the Mayor to the East London line. As a result, central Government will be funding over three quarters of the overall budget for the scheme, with the Mayor funding around £17 million.

[Chris Mole]

The East London line will bring significant benefits to this part of south London. It will provide four trains per hour between Clapham Junction and Dalston seven days a week. The service will be provided by new four-car high-density units like those that TfL is introducing on the North London line and East London line phase 1 when it opens next year. It will provide connections with key interchanges on to other parts of the London transport network, such as at Canada Water for the Jubilee line, Shadwell for the Docklands Light Railway and Whitechapel, with interchanges for the District and Hammersmith and City lines. It will provide a connection with Crossrail, when that project is complete, and with Clapham Junction, for Southern and South West Trains and other London Overground services. Importantly, it will also aid the regeneration of the Peckham Rye, Camberwell and Denmark Hill areas by significantly improving access to jobs across London.

Transport for London estimates that the East London line phase 2 increases by 125,000 the number of jobs potentially available within a one-hour commute of this area. That compares with 36,000 from the proposed Bellingham service. I recognise that there are some downsides to these plans and I understand the concerns expressed by my hon. Friend about a possible delay, but I am not aware of any delay in relation to the East London line phase 2. He really should talk to TfL about that.

Between Victoria, Denmark Hill and Peckham Rye, passengers will not, under the current plan, be able to access Victoria directly in the late evenings after 8 pm and on Sundays, but they will be able to travel via Clapham Junction. Passengers from Wandsworth Road and Clapham High Street stations will also need to travel via Clapham Junction to access London Victoria, but the service frequency will double from every 30 to every 15 minutes and will also allow passengers to access services to both London Victoria and Waterloo from Clapham Junction. It must also be remembered that according to Network Rail's plans to 2014, suburban train services through Clapham Junction to both Waterloo and Victoria will be lengthened to 10-car services in 2013-14.

To mitigate the impact of these changes, TfL, with London TravelWatch, is looking at how some of these gaps in service can be addressed by providing additional services or amending those that are provided. I hope that that addresses my hon. Friend's question. I have also asked officials from the Department to ask Southeastern how it might propose to fill some of these gaps in service and what the associated costs might be.

Let me be clear. Funding in forthcoming years will be tight and we would expect TfL to fund any additional services, given that the Victoria to Bellingham service would have maintained these links and that TfL requested that that service should not be implemented.

Simon Hughes: I hope that the Minister will mention the fundamental benefit of having direct access between the parts of London where King's and Maudsley hospitals are based and Guy's hospital campus.

Chris Mole: I am coming to that.

I recognise that train services from South Bermondsey will reduce from six trains per hour off-peak today to four trains per hour after 2012. Again, I recognise that that is not ideal, but a four-train-per-hour service is still a good service.

Hon. Members have raised concerns about severing the link between Denmark Hill and London Bridge and the links between the hospitals at Denmark Hill—King's College and Maudsley—and Guy's at London Bridge. I am aware of the vociferous campaign that the foundation trust at King's College has led against these changes, but it is important to look at the proposed changes together. The proposed package of services to Denmark Hill will improve access for patients and staff to the hospital, not detract from it. Most services through Denmark Hill will either operate to a similar pattern to today's or will be enhanced. We have already seen services through Denmark Hill extended northwards through Blackfriars as part of the first phase of the Thameslink programme, with services operating to Kentish Town providing direct services from St. Pancras and Farringdon to Denmark Hill, increasing accessibility from the north.

Southeastern is planning some further enhancements to the Dartford to Victoria service from December. The East London line will extend these improvements. By linking with Clapham Junction, it will be significantly easier to access the hospitals from across south and south-west London with just one interchange. Disability improvement schemes at Clapham Junction, which I have debated with my hon. Friend before, are already under way. Network Rail plans further works at that station before 2014.

The links to the north-east of London are equally important. Both links will allow more people from across London to access services at the hospitals without a need to change trains in central London: they are currently forced to change trains at either London Bridge or Victoria. TfL analysis has shown that around 30,000 more people will live within a 30-minute journey of King's College hospital as a result of these changes. It is also worth noting that there is already a staff bus linking the Guy's and King's College hospital sites, and staff and patients will still be able to access London Bridge via a change of trains at Peckham Rye. The frequency of trains between Denmark Hill and Peckham Rye will increase to eight per hour under these plans.

I understand that representatives from TfL have been in discussion with the governors at King's College hospital and are awaiting further information from them regarding trip-making by patients and staff to and from the hospital to assess who will gain and who will lose from these changes.

I ask hon. Members to look at the service changes on the South London line together. I understand the concerns of the hon. Member for North Southwark and Bermondsey about the changes at London Bridge, but I have to say to him that I have run out of time.

DWP (Plymouth)

7 pm

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): I am particularly pleased to have the opportunity of this debate, coming as it does today when we are also debating the final stages of the Apprenticeships, Skills, Children and Learning Bill, and following yesterday's debate on the Welfare Reform Bill.

Work is the best pathway out of poverty, and the policies that we have developed since 1997 to ensure that work pays have been vital to many people and families in Plymouth. In Plymouth, Sutton, I took on from my Conservative predecessor a constituency that was among the most severely hit by earlier recessions—especially that of the 1990s, which left it with some very poor communities, including, on the 1995 index of multiple deprivation, the poorest ward in England.

In the nine months before the 1997 election, I took time out from paid employment to ensure not just that we won what was then key seat 16, but that I knew what the priorities were for action. In 1997, a key priority was delivering jobs for the 4,000-plus who were unemployed in my constituency, one third of whom were under 25. On the doorstep, I found lone parents who asked me, before the days of the minimum wage and tax credits, "Who will pay me £180 a week?" The answer at that time was no one.

On every doorstep, there were parents, grandparents or young people who were out of work or knew someone who was and had been for a long time. The new deal programmes, funded by windfall levies on the utilities, the early establishment of employment and health zone status and new deal for communities investment over 10 years in Devonport, have had a lasting impact on people's life chances and ability to get employment. The minimum wage, tax credits and a raft of family-friendly workplace policies meant that at times the Plymouth travel-to-work area had unemployment below the national average instead of above it, as sadly is the case again now.

This recession has been particularly harsh. Its origins may be global, but, as every MP knows, the effects are local and, as is so often the case, those most vulnerable to any volatility are the elderly, the young and those on low incomes. But this recession has also hit many hard-working individuals and families who are used to feeling more in control of their lives, making their own luck and weathering storms.

Just as the current economic crisis is unprecedented in its severity and global nature, so too has been the response of our Government and others around the world. In previous recessions under Conservative Administrations, the prevailing view was that we had to let the storm ride its course. Not only were job losses, failing businesses, home repossessions and public sector investment cuts seen as necessary evils, they were sometimes considered necessary for some kind of natural readjustment of the economy—an antidote to an over-mighty Government.

Judging from yesterday's speech by the Conservative leader, although the Tories say that they have changed, they have not. They are still blaming what they see as big government rather than understanding the need for active government alongside the community and voluntary sectors. Talk of the big society is simply code for "You're on your own. Please pick up the pieces of the spending cuts that we need to make to fund the tax cuts that we want for the richest 3,000 estates in the country." I understand that the cost of the Tory proposals to do that are estimated to be £3.6 billion in the first year alone.

Talking the good talk does not add up to walking the good walk. The money would have to come from somewhere, and I can only surmise that the proposals would drive a cart and horses through the partnerships that have given Plymouth a good track record over the past decade.

In the 1980s and 1990s, the job losses at the dockyard were huge. Thousands of jobs were shed from Plymouth's main sector. I once observed my Conservative predecessor turn on her heel in a public meeting in the Guildhall and walk out, saying, "I don't care what you think." Some 10 years later, her legacy—or, more accurately, that of her Government—was to leave the Plymouth, Sutton constituency with some of the poorest communities in the land, including the very poorest. The speech yesterday of the right hon. Member for Witney (Mr. Cameron) made me shudder. Although he seems to realise that the Conservatives need—

Mr. Joe Benton (in the Chair): Order. I draw the hon. Lady's attention to the subject of the debate. So far, there has been little reference to the work of the Department in Plymouth. Will she please keep to that subject?

Linda Gilroy: I understand your point, Mr. Benton. However, I must outline the context so that the success that there has been and my concern over whether it will continue can be understood. I will try to adhere to what you are saying.

I am proud that the Government whom I support are taking an approach different from the Conservatives' and that the leadership of our Prime Minister has changed the political weather, not just in this country, but internationally. We have said that we will not cut, but grow our way out of recession. Much of the investment is in the hands of the DWP. Our approach is to give advice and support. We stand by employers and employees, small and medium-sized businesses, depositors, home owners and young people. I thank the Minister for her part and her Department's part in that.

If the Government had called the wrong shots, such as failing to address the issue of the banks and failing to take steps on a scale never tried hitherto, the job of the Department would be even bigger than it is. The Opposition opposed most of those decisions. Today's unemployment figures show that more people in Plymouth are now employed and fewer unemployed. On a like-for-like basis, the figures for my constituency show that 3,214 are claiming jobseeker's allowance in November 2009, compared with 4,715 in 1997. That is despite the current economic situation being more structurally deep-seated and global in origin than the largely homemade recession of the 1990s.

I want the support to continue and have secured this debate to ask the Minister what can be added to the efforts of her Department. At the forefront of the big task are Jobcentre Plus staff. The importance of the Department as an employer in Plymouth must be noted. The public sector generally is a large employer in Plymouth.

[Linda Gilroy]

The people who work for Jobcentre Plus are part of that. I hate to think how that situation would suffer with a change of Government.

Plymouth has an ambitious growth agenda that I am confident can be realised despite the economic conditions. Our science and engineering sectors are what the country will need to restore its prosperity. In particular, we are trying to nurture and grow green jobs, such as those in the renewable energy sector. There have been bad setbacks in the manufacturing sector. About a month ago, Toshiba made its last televisions in this country, and Gleason is another well-known casualty of recent international pressures.

The job losses in the dockyard that are part of planned defence efficiencies have come at a bad time, although they have not been of the scale that was expected by some. There was nothing like the devastation that happened under the Conservatives in the '90s when thousands of jobs were lost with little of the support that I am discussing today. The dockyard is producing vehicles for the Army and further orders are possible, which shows that there are gains as well as losses.

The trade unions have taken a responsible role in assisting big employers such as Princess Yachts to weather the storm. Short-time working agreements have been important in that. I was pleased to read today that, having shed 260 jobs this year, the company is taking on 20 employees. That is a small sign that things may be taking a turn for the better. Much of that has been made possible by the proactive support from the DWP and Jobcentre Plus, in which the Government are seen to be pulling out all the stops to minimise the loss of employment.

We have some excellent local partners who together are building a robust framework that will help deliver economic development over the next 20 years—an important background with the grain of which the DWP needs to work. The Plymouth City Development Company has already played its part in delivering real, tangible benefits to the city and, working with the regional development agency, it helped to bring about the leasing of the long-vacant yard in the dockyard to Princess Yachts. I pay tribute to the Ministry of Defence in responding to pleas from myself and my hon. Friend the Member for Plymouth, Devonport (Alison Seabeck) to release land faster than it has ever done before.

I want to mention the work that the local strategic partnership has developed, bringing together the public, private and voluntary sectors to identify our strengths and to develop action plans that play to them. The DWP values its work. Partnership working between the DWP and organisations such as Working Links and A4e in my constituency is important, and making common cause with the Learning and Skills Council is also part of the recipe. The "wealthy and wise" theme group at the local strategic partnership helps to make that possible, in a level of co-operation and joined-up work that was undreamed of, unthought of and unsought in the 1980s and 1990s. It is made possible by active government and is not understood by the policies that we have seen announced by the Opposition this week.

Plymouth also has an enviable track record of involving the community through third-sector organisations. The Wolseley and Millfields community economic development trusts in particular have delivered a great deal in some of the most fragile communities, empowering them to do things for themselves, and self-sustaining to a large degree. However, things are always changing, and policies need to evolve too.

One of the central points of current welfare policy is the knowledge that the first six months of unemployment are crucial. That period offers the best chance for people to get back into work. In Plymouth we have a good story to tell. Even now, those flowing off the register have been doing so at roughly the same rate as people flowing on to the register. However, I know from my meetings with Jobcentre Plus, the university and the further education colleges that young people are finding the recession particularly difficult.

In previous recessions whole generations were written off, which is why the Government's guarantee for work and training for all 18 to 24-year-olds is so important. I welcome funding for that and many other initiatives under the Backing Young Britain and future jobs programmes—in particular the announcement, made today, that there will be funding from the future jobs fund for a programme in Plymouth. That is welcome.

Vital to ensuring that the impact of the economic crisis on this generation of young people is minimised will be employers—public sector as well as private sector—stepping up to the mark to play their part. I hope that the Minister can give me some assessment from the DWP perspective of how Plymouth is doing in that respect. Can the Minister assure me that the "Back to Work" White Paper will include additional support for young people and for the employers who want to give them opportunities?

Plymouth is well poised to take advantage of the green jobs revolution. The Government recently declared the south-west to be the country's first low-carbon enterprise zone, with additional funding for the wave and marine-energy technology sectors. I hope that my hon. Friend can outline what the role of her Department is in supporting that green jobs revolution. What help will be available to those employers taking on extra staff to deal with issues related to climate change and our transition to a low-carbon economy?

I look forward to hearing what the Minister has to say in a moment or two about how her Department is stepping up to the mark on such things, but before I invite her to set out how they are sustaining their drive to tackle those issues in the most adverse of times, I want to raise the work that her Department does in the field of pensions. I know that the pension credit has made a big difference to many people in my constituency, and many older people—women in particular—have benefited not just from the increase in incomes guaranteed by the credit but from the tax-free winter fuel allowance, which has taken the fear out of winter fuel bills, even if some of those pressures have returned over the recent year or so.

I know that the commitment to restore the link between pensions and earnings by 2012 is eagerly awaited. Thousands of people in my constituency will welcome it. It is an important strand of future-proofing pension provision.

Personal accounts will give those without access to a good-quality workplace pension scheme the opportunity to save, again ensuring that people can look forward to retirement with a decent income. I understand that the Minister's Department is seeking to provide pension forecast information. Will she remind me how far away that is, and how work is progressing?

Some ideas in the interim report of Anna Walker's review on water metering and charging would make a difference to many pensioners and other low-income households in Plymouth if followed through into the final report and acted on by Government. I know that discussions have been held between the DWP and the review team, and I will be pressing colleagues in the Treasury and DEFRA, and indeed the Prime Minister, to ensure that some long-awaited relief comes for those on low incomes, whether they are in work, on benefit or in retirement on modest incomes.

There is a qualitative as well as quantitative difference in the support offered during this recession. We have protected about 500,000 jobs, and the actual figure saved is probably higher. To put it another way, proportionately, 2,000 jobs have been saved in Plymouth. The extra £5 billion, including £2.9 billion in 2010-11, that Labour is putting into getting people back into work and training this year and next year will fund the extra support that we are providing for new clients, people unemployed for more than six months and the expansion of the flexible new deal. I hope that my hon. Friend will confirm that the investment that we are making in front-line services will weather the efficiency measures that, realistically, we know the Treasury will expect from all spending Departments.

I cannot end this debate without mentioning the importance of the Child Poverty Bill, a commitment that my hon. Friend will confirm we are not shying away from and that will enshrine and entrench a historic commitment to end child poverty. The work of the DWP has enabled many people in my constituency to come out of poverty. The proportion of lone parents in work has risen from one in three a decade ago to more than half now.

I worry when I hear people say that there will be no difference between the present Government and any future Government of a different nature. I want to be certain that the sort of investment that this Government have made will continue to be an important part of our programme. I look to my hon. Friend to explain what her Department is doing in Plymouth with a clarity that will help people avoid sleep-walking back to the future, to a place where we have been before, with disastrous consequences that I do not want to see again in Plymouth in my lifetime. I know that I can count on her to avoid the half-baked platitudes set out yesterday as a recipe for tackling poverty.

7.18 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Helen Goodman): I congratulate my hon. Friend the Member for Plymouth, Sutton (Linda Gilroy) on securing this important debate, and on the work that she has done for her constituents, particularly in promoting co-operation among employers, the Department for Work and Pensions and people who need jobs. The local employment partnerships in Plymouth are a fine example of the importance of employers, as they have helped nearly 2,000 people into work.

My hon. Friend inherited serious poverty and deprivation issues when she was elected in 1997, but now Plymouth is definitely a city with a buzz. The buzz has been created by and has grown with the growth and improvement of services and facilities in the city and the improved prospects for its citizens over the past 12 years.

Plymouth, like many of the great cities of Britain, has a great historical tradition as well as an eye to the future. Its marine technology and science industries have developed over the centuries as part of its great naval tradition. However, it also has many new industries, including the biggest cluster of digital media companies outside the M25.

My hon. Friend has been extremely kind about the work of the DWP. She has paid tribute to DWP staff and I would like to join her in acknowledging the excellent work done by them in jobcentres throughout the country. The agencies of the DWP have developed and modernised over the past 12 years. They have become more customer-focused, brighter and more professional places to visit and contact.

The Department currently employs more than 7,500 people in the south-west and nearly 2,000 in Plymouth itself. In total, the public sector employs more than 36,000 people in Plymouth and more than 700,000 in the south-west region. As such, as my hon. Friend recognised in her speech, it is a significant employer in the area. However, more significant is the work that the staff of the DWP have done for the population of Plymouth. Despite the current economic climate, the labour market is still far stronger than in 1997. The employment rate is up by 7.3 percentage points, the claimant unemployment rate is down by 1.5 percentage points and the inactivity rate is down by 4.6 percentage points.

As my hon. Friend said, unemployment has risen in recent months and there have been some large-scale redundancies in the city. Behind those statistics, many individuals face the loss of their job and their income, and are left with the uncertainty of how they will replace them. We cannot always prevent people from losing their job and we know it has been much more difficult for people to find a new job in recent months, but the Government are determined not to repeat the mistakes of the recessions of the 1980s and 1990s. The new deal has helped nearly 10,000 people into jobs in Plymouth and over 21,000 more people are in work today than in 1997.

Jobcentre Plus in Plymouth has taken on 160 new staff, 120 of whom are in the Plymouth benefit delivery centre, and has extended the opening times of both the benefit delivery centre and individual jobcentres. By taking those decisions quickly, Jobcentre Plus has been able to maintain the high quality of its services. All benefit claims are being processed within target and accuracy rates. Meanwhile, jobseekers have been seen promptly and given the high-quality advice and support to which they are entitled.

Jobcentre Plus has also continued to react promptly to events in Plymouth, and has ring-fenced £150,000 in rapid response service money to serve the needs of those made redundant in Plymouth, including the 270 redundancies announced at Toshiba between June and January this year. City College Plymouth has made Picquet barracks available for 20 weeks at a total cost of £30,000. Plymouth city council is contributing £9,900

[Helen Goodman]

to that and Jobcentre Plus is contributing £20,100. The barracks have been set up as an outreach centre for large redundancies.

My hon. Friend mentioned that Princess Yachts and Toshiba have both used that facility to ensure that a quick and effective service is provided to those involved in large-scale redundancies. The site will subsequently be used to provide a support service to unemployed customers. As a result of that prompt action, of the 139 ex-employees of Toshiba who made a claim to benefit, 73—more than half—found work within the first 10 weeks of their claim. We are not sticking with the status quo; we are investing in the future and introducing programmes to ensure that individuals and the country come out of the recession stronger, not weaker.

All this is part of the Government's national strategy to introduce measures to minimise the impact of the recession on unemployment as speedily as possible. The Government have increased funding to Jobcentre Plus by £3 billion to ensure it continues to provide personal help and advice to everyone who needs it. That money also ensures that the flexible new deal, which will provide tailored help for the long-term unemployed, can cater effectively for high volumes of jobseekers. On 12 January, a further £500 million investment was announced to provide, from April this year, opportunities for those who are still unemployed after six months to take up support.

We have also introduced the young person's guarantee, so that from early 2010 all young people approaching 12 months on jobseeker's allowance will be required to take up the offer of a job, training or meaningful activity. That offer will be delivered in the form of a new job created through the future jobs fund, or help with getting an existing job in a key employment sector, or work-focused training, or a place on a community task force delivering real help in the local community.

As part of that guarantee we have introduced the future jobs fund, which is worth around £1 billion, and to which local authorities and others may bid. It aims to create about 150,000 job opportunities, a significant proportion of which will be in areas of high unemployment. The fund will form a key component of the guaranteed offer to young people, and Jobcentre Plus will continue to meet the needs of Plymouth and the south-west. Today, my right hon. Friend the Minister for Employment and Welfare Reform, who is also the Regional Minister for the South West, announced the 30 successful bids in the fourth wave of future jobs funding, which will create up to 7,200 jobs in England and Wales.

To date, the successful bidders have created about 95,000 jobs. In Plymouth, Wolseley Community Economic Development Trust was a successful bidder. Its work will create up to 181 jobs in Plymouth with a range of roles, including youth work, administration, customer service, maintenance, horticulture, and learning and support. Those jobs are targeted at deprived neighbourhoods with young people working in those neighbourhoods, and contributing to public services such as health and care provision, and supporting third sector organisations. The trust is also working closely with Connexions staff to launch a new team to support the district young people's strategy. We are using the customer feedback gathered by Connexions as a part of its work with young people to develop a service that meets the needs of local young adults. Jobcentre Plus is fully committed to Backing Young Britain. The process for contacting employers endorsing Backing Young Britain is currently being designed and is due to be launched later this month.

My hon. Friend raised the important issue of green jobs. The Department is helping the growth of green jobs partly through the future jobs fund—the environment is one of the community benefits against which people may bid—and we have a fund to provide 100,000 jobs in key sectors. The green arena is one of those key sectors.

Linda Gilroy: Will my hon. Friend comment, as I asked, on whether employers, including in the green sector, are coming forward to provide opportunities for the future jobs fund and Backing Young Britain jobs?

Helen Goodman: My hon. Friend is right. This is partnership working, and we need employers to continue to make bids via local authorities. I hope they will do that to provide real jobs that have community benefits, are innovative, and provide good, quality experience so that people learn the skills that will be useful not just for the present, but as we come out of recession.

My hon. Friend spoke about pensions. The Government have made a commitment, which is enshrined in law, to restore the link between the basic state pension and earnings in 2012 or by the end of the next Parliament at the latest. State pension forecasts already include information to alert people to that change, and the effect that it may have on the amounts in their pension forecast. All requested pension forecasts include a specific flyer insert, and our web-based service provides specific links to further detailed information.

Both the Department and Plymouth have been extremely successful over the past 12 years. The Department has improved its services, helping millions of people into jobs and millions more to improve their job prospects. At the same time, Plymouth has grown and prospered, with increased employment and improved services.

Mr. Joe Benton (in the Chair): Order.

Female Mortality (Africa)

7.30 pm

Mr. Phil Willis (Harrogate and Knaresborough) (LD): Thank you very much indeed, Mr. Benton. This is the last debate of the day, and I thank you in advance for your chairmanship.

I am delighted to have an opportunity this evening to discuss a problem that I believe the Minister, his Department and the Government have taken seriously and on which we have a lot in common. I want to try to draw attention not only to the problems, but to some of the low-cost solutions that we can perhaps bring to bear.

In the UK, no woman in the advanced stages of labour would be expected to walk 30 km to receive medical treatment; that would be unacceptable. No woman in the UK would be allowed to die for the want of such basic medical treatment as a blood transfusion or a simple antibiotic to ward off infection. In the UK, fewer than 13 women die in childbirth for every 100,000 live births, but in Mozambique one woman dies in childbirth for every 100 live births. That is unacceptable, and to stand by and allow it to happen is simply not acceptable.

Every year around the world, 80 million women face an unwanted or unplanned pregnancy; 20 million women risk an unsafe abortion rather than carry their pregnancy to full term, and 68,000 women die as a result of botched abortions. Every year around the world, 50 million women suffer from a serious pregnancy-related illness and 4 million women are disabled as a result of pregnancy or childbirth. One woman dies every minute from problems related to pregnancy or childbirth. That is not to mention the many millions of women every year who are permanently disabled, left unable to walk or ostracised by their communities because of severe incontinence. The tragedy has reached such a scale that, in their recent report, Baroness Tonge and the all-party group on population, development and reproductive health questioned whether a significant number of the women affected by those problems would be better off dead. That is an incredibly sad thing to say.

However, the real tragedy is that 80 per cent. of these deaths result from one of the five well understood and relatively common obstetric complications that can be readily treated with existing and inexpensive medical or surgical interventions. They are: bleeding; infection; complications of abortion; high blood pressure associated with pregnancy, and prolonged or obstructed labour. All of those problems would be treated with standard simple medical solutions here in the UK.

What is the Department for International Development doing to help to resolve those problems? I put on record the fact that DFID should be congratulated on, and we should be proud of, the work that it has done so far. Its 2004 document, "Reducing maternal deaths: Evidence and action", is an excellent piece of work. It set international standards, establishing a clear strategy for tackling the tragedy and for meeting millennium development goal 5, which is:

> "reducing mortality by three quarters between 1990 and 2015".

I understand that that strategy is being updated to take into account the fact that millennium development goal 5 has been amended to include an additional target to be achieved by 2015: universal access to reproductive health care. I know also that DFID has been working closely with the Norwegian Government to produce an evidence paper that will set out the strategies that have been proven to work in improving maternal mortality rates on the ground. All of that work should be applauded.

A great deal more could still be done, however. At the current rate of progress, we will never meet millennium development goal 5—it will be beyond us. Maternal mortality in developing countries has barely decreased in the past decade, despite the efforts that our Government and others have made. In parts of Africa, maternal mortality and morbidity rates have increased. Some have argued that the targets are too ambitious, but they are not. We must question whether our response could be more effective; we need to heighten our work on the solutions rather than on the problems. There is evidence that it is possible dramatically to reduce maternal mortality rates relatively quickly. In three countries—in Egypt, Honduras and Yunnan in China—the maternal mortality rate has already been successfully reduced to about 100 deaths per 100,000. Honduras has reduced its rate by nearly 50 per cent. in the past seven years. Such changes are achievable.

The failure to mobilise world efforts to reduce maternal deaths stands in sharp contrast to the successful efforts of past decades to reduce child mortality and recent global efforts to tackle HIV and AIDS, tuberculosis and, of course, malaria. The relative lack of investment in reducing maternal mortality is deeply worrying when compared with the investment in tackling health problems such as major communicable diseases.

Maternal health has not had a high profile internationally, and the international conferences of 1987 and 1997 have not led to sustained action on the scale that is needed. The reduction of maternal mortality should be defined as both a human rights issue and a health issue. Almost all such deaths are avoidable and are rooted in inequality of access to care, which is a sign of a denial of women's rights. Maternal mortality rates reflect the greatest disparities between rich and poor and they are a good indicator of the extent to which a health system is rights-based. Indeed, DFID has gone so far as to say, in paragraph 63 of its 2004 report, "Reducing maternal deaths: Evidence and action", that

> "maternal mortality can be considered as the best single indicator of the effectiveness of a country's health system."

Hallelujah! That is absolutely right.

Sadly, in many countries women's rights are consistently overlooked and ignored. In the UK, we do not consider women's health care to be a secondary priority; for that reason alone, we should take the lead on this issue internationally and redouble our efforts. In addition to the moral and ethical arguments, there is an economic argument. The USA has said that maternal and newborn mortality accounts for costs in lost productivity of $15 billion a year across the world. The death of a mother is a sharp and unpredictable shock to the livelihood of any household and is likely to deepen poverty. Few poor households are secure enough to absorb the loss of their most economically and socially active member, and every year as many as 2 million children are orphaned by the death of their mother. If we want the millennium development goals to mean something, we need to stop that travesty and see what concrete steps we can take to bring change.

[Mr. Phil Willis]

In 1994, Thaddeus and Maine described the three delays that contribute to maternal mortality: delay associated with the decision to seek care, delay in arriving at the point of care and delay in the provision of adequate care. In my constituency, one small social enterprise company, eRanger, is attempting to tackle each of those delays with practical and low-cost solutions. Looking at the problem differently will give us the greatest breakthroughs. The eRanger company produces low-cost motorcycle-side trailer combinations that offer three customised options: an ambulance, a mobile clinic for outreach work and a mobile education unit. It utilises a robust 200-cc motorcycle with a custom-built, padded sidecar in which a patient can lie down and be safely strapped in. In an emergency, a nurse or midwife can travel behind the driver—

Mr. Joe Benton (in the Chair): Order. I am sorry to interrupt the hon. Gentleman, but there is a Division in the House.

7.39 pm

Sitting suspended for a Division in the House.

7.52 pm

On resuming—

Mr. Willis: As I was saying, the eRanger motorcycle, with its custom-built sidecar, can also take a doctor or nurse as a pillion passenger, if that level of support is needed.

The average cost of an eRanger ambulance is £4,000, which includes spares to allow smooth running for 12 to 18 months or 10,000 km. The vehicles are put together in South Africa; a local co-operative is used to build the cycles and sidecars. The price equates to about one sixth of the cost of a 4x4, and there is less opportunity for abuse by local workers. In other words, for every 4x4 operating as an emergency medical care vehicle in Africa, there could be six eRanger vehicles, reaching six times more women and potentially saving six times more lives.

The eRanger education unit is vital in teaching women about birth control, but the ambulance model has proved to be the most successful in combating female mortality. In August this year, UNICEF, recognising the very significant contribution that the eRanger ambulances made, signed a long-term agreement, for two years, to supply eRanger ambulances, mobile clinics and education units. So far, 22 ambulances have been delivered to Sierra Leone, and eRanger has an expected order for between 20 and 50 ambulances for Liberia. Since 2005, more than 400 eRangers have been deployed in Africa and Afghanistan. In 2004-05, DFID sponsored a pilot scheme in the Dowa district of Malawi using 21 bikes, and about 250 eRangers are now in operation in Malawi. The Minister of Health for Malawi plans to place a combination of eRangers in every single health centre in the country under community control. Largely as a result of eRanger presence and, indeed, the support of DFID, maternal mortality rates in Malawi have dropped by an incredible 60 per cent. since 2005.

Access to an eRanger motorcycle can ensure that a woman in labour gets to her "local" health centre. The drivers are on call using satellite mobile phones and can get to most women extremely quickly, which can almost entirely remove delay 2 in Thaddeus and Maine's analysis. The motorbikes can also significantly contribute to the reduction of delay 1, associated with the decision to seek medical help. The education bikes can inform women of the medical treatment available to them, reassure them of its safety and remove the common perception that medical centres and hospitals are just places where people go to die. The fact that the journey is free, easy and safe also encourages many women to seek help rather than suffer in silence. Once at the medical centre, eRanger bikes can be a further help with delay 3. There are many reported cases in which blood transfusions or other supplies were needed at a medical centre, but there were simply not the resources to deliver them to the patient. The eRanger is an affordable way of solving the problem.

As demonstrated in Malawi and across Africa, the bikes can make a world of difference, so why are they not more widely used? What I seek today is a more active response from DFID. Despite DFID's encouragement of eRanger's work to date—I acknowledge that it has been supported—the organisation currently has no point of contact within DFID. It is difficult to understand where DFID is placing its effort in Africa, particularly in sub-Saharan Africa, without having a point of contact, yet that is something that could easily be achieved. The organisation has no interaction with DFID in the UK regarding planned or implemented projects that could benefit from using eRangers as part of a maternal mortality road map. The very thing that DFID says that it wants to do—I believe that it does want to do it—could be helped if there was some interface with what is a very small non-governmental organisation.

Unlike the agreement with UNICEF, there is no agreement with the Department to supply eRangers to DFID projects. It is extremely difficult to interface with organisations in Africa and Afghanistan unless one has a contact in DFID in those countries that will open doors. Although the Minister has given a pledge to supply those contacts, that arrangement does not appear to be in place at the moment. It seems that DFID will only interface with large, established NGOs, yet often it is organisations such as eRanger that can provide huge advances at a fraction of the cost.

In DFID's strategy document, the Department states:

> "Effective communications and transport are critical to success…New solutions to reduce barriers are needed."

The eRanger organisation does exactly that. It has produced a low-cost solution to deliver the sorts of health care provision that we need. Clearly, eRanger is a solution that has been proven to reduce barriers, and I hope that the upcoming evidence paper will reflect that. It would be of great assistance if the Minister assured eRanger that it will have sight of the new updated paper as soon as it is published, and if he agreed to himself or his policy officials meeting myself and representatives of eRanger to discuss further engagement with DFID and how to combat the problem of maternal mortality internationally. In addition, will he commit to agreeing to supply eRangers on DFID projects, should the evidence paper find that that is a successful and economically viable intervention? If it does not, fair enough.

Finally, I place on record my thanks to the Minister and his officials for the impressive work that the Department has carried out in this area. My plea is for him to go further, to think outside the box, not to reject small NGOs and to make a real difference to women who currently suffer needless pain and death. As Dr. Kiptu, the medical officer in charge of Magunga health centre in Kenya, states:

> "It is not just making things better in the hospital—it is saving lives every day. God bless you for that."

7.59 pm

The Minister of State, Department for International Development (Mr. Gareth Thomas): Let me, in the usual way, congratulate the hon. Member for Harrogate and Knaresborough (Mr. Willis) on securing the debate. I share the concerns that he raised and welcome his interest. I join him in acknowledging the important work of the all-party group on population. I was interested in his description of eRanger, particularly as it is a social enterprise, and as the vehicles it facilitates the building of are delivered through a co-operative. As chair of the Co-operative party and a Co-operative MP, I have a particular ideological interest in the business model he is promoting. He asked several questions and asked for a number of assurances, which I shall come to. I shall respond initially by giving some context to the debate.

As the hon. Gentleman rightly said, female mortality is a critical development issue: it is central to three of the millennium development goals, which the international community and the British Government are striving to support the achievement of. In many countries, the HIV/AIDS epidemic is slowing, but it is still the leading cause of death for women in Africa. We know that it is young girls who are disproportionately affected, because they have little control over key aspects of their lives, including sexual behaviour, schooling and access to health care, and little ability to mitigate the impacts of the epidemic on other aspects of their lives.

In sub-Saharan Africa, 250,000 women die each year from pregnancy-related complications. In some countries, the figure is much higher. Almost half the maternal deaths occur in just four countries: Nigeria, Democratic Republic of the Congo, Ethiopia and Tanzania. Sierra Leone has one of the highest reported rates; indeed, a woman in Sierra Leone has a one in eight chance of dying due to pregnancy, so the information that the hon. Gentleman provided about the deployment of eRanger vehicles to Sierra Leone gives a further sign of encouragement for us to take from the debate. The other countries with high reported rates are Rwanda, Malawi and Nigeria. In Africa, many women die due to their unequal access and outcomes, based on class, custom, wealth and power. In Nigeria and Malawi, over 70 per cent. of women say that their husbands alone make the decisions regarding their health care—a terrifying statistic that demonstrates the low status of women in some communities.

One strategically encouraging sign has been the commitment—finally—of the United Nations to establishing a gender agency, for the first time bringing together disparate parts of the UN community to create a much more powerful agency, with a high-ranking leader within the UN system. I hope that that will raise the profile of women and give voice to the many women who, as the hon. Gentleman will recognise, are not heard at the moment in the communities in which they live.

The hon. Gentleman knows that it is difficult to measure maternal mortality accurately. While there seems to have been considerable progress in some countries—we can take heart from the example of Zambia—overall, as he rightly says, there has been negligible progress. Skilled attendance at birth is easier to measure. That means of measuring progress in getting support to women is a core component of a strategy to reduce maternal deaths that we are deploying, and which other donors are getting behind. However, that measurement is not always reliable or consistent. Skilled attendance at birth is very low in most of sub-Saharan Africa, reflecting the higher rates of maternal mortality. For example, in Ethiopia only 28 per cent. of pregnant women receive pre-natal care and only 6 per cent. of births are attended by skilled health staff. That gives some indication of the scale of the challenge that the hon. Gentleman rightly alluded to, and which we recognise.

Our efforts are focused on trying to reduce child mortality and, of course, maternal mortality, but also on reducing the spread of HIV/AIDS as part of the overall drive to reduce female mortality. There has been some progress. The average life expectancy of women in Africa, despite the AIDS epidemic, is slowly increasing and now stands at 54 years. There has been a 20 per cent. reduction in child mortality since 1990, but a girl in Africa is still 25 times more likely to die before her fifth birthday than a girl born in the UK.

The hon. Gentleman is absolutely right to say that while there has been progress in some areas, maternal mortality levels remain unacceptably high and progress seems to have stalled. In many countries, as in the UK a century ago, there is still an acceptance that women will die in childbirth. That is compounded by the low social status of women in parts of Africa and by a lack of access to services.

As the hon. Gentleman suggested, a series of key interventions can be made to make a real difference to women's survival rates. Family planning and access to safe abortion services are crucial examples, as both are often stigmatised, poorly resourced and, in the case of abortion, illegal in some countries.

Sadly, the truth is that there has been inadequate investment in health systems in general and in maternal health in particular for far too long. For an individual family it might be very costly to access care, and the result is that women are left to die at home. Caring for a woman through pregnancy and delivery requires health services that work, with trained and equipped staff. We know that there is a massive shortage of health workers across the continent, and many health systems are so weak that they offer little or no effective care, particularly in critical areas such as family planning, safe abortion and, crucially, obstetric care. The unmet demand for family planning, for example, results in one third of maternal deaths, including the 13 per cent. from unsafe abortion.

I will give a more graphic example of the differences between Africa and Europe and Asia: while over half of sexually active couples in Europe and Asia use contraception, the average prevalence of contraception across the continent of Africa is only 20 per cent. In many countries, particularly in west and central Africa,

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rates are less than 5 per cent. Access to contraceptives is probably the most cost-effective way of reducing maternal mortality.

The hon. Gentleman and others may well ask what we are doing about such a grim picture. As he said, we have a strategy on maternal mortality and reproductive health, and it is being updated with an evidence paper to help guide our future work and that of other donors. Politically, we are beginning to see an unprecedented international interest in maternal mortality, partly driven by the White Ribbon Alliance, which has been championed by the Prime Minister's wife, Sarah Brown, and is beginning to catalyse the support of women across the globe and, in particular, the support of African leaders.

The UK has tried to support that process by leading efforts with international partners to develop a broad-based, global consensus for maternal, new-born and child health. That consensus sets out a framework for action, hopefully aligning political will alongside advocacy and finance, behind a set of five agreed policies and priority interventions to try to save the lives of women and children. The financing issues to put those interventions in place are being addressed.

The hon. Gentleman may remember that the high-level taskforce on innovative international financing for health systems, jointly led by the Prime Minister, hosted an event at the UN General Assembly in September, where more than £3 billion was announced to strengthen health systems in developing countries. Leaders from Malawi, Ghana, Liberia, Burundi and Sierra Leone announced expanded access to free health care, which in the long term will result in millions of children and pregnant women gaining access to essential services.

As for my Department's financing, 15 per cent. of UK development aid goes to health. The UK has committed itself to investing some £6 billion to strengthen health systems until 2015. Much of that money goes to supporting and strengthening general health services. For example, in Ethiopia we have committed some £25 million over four years to increase the number of community health workers tenfold. With our support, access to contraceptives has already increased from just over 20 per cent. to just over 51 per cent. Our support to the health sector in Malawi has contributed to an increase in skilled birth attendance from just under 40 per cent. to some 45 per cent. in 2007-08.

The hon. Gentleman mentioned a number of international organisations, including UNICEF, which does vital work. We help to fund work of UNICEF, the World Health Organisation and UNFPA, which also works in that area.

The hon. Gentleman made a specific plea for further engagement with eRanger, the organisation and social enterprise in his constituency. I am aware that a series of motorcycle and bicycle ambulance schemes are making a real difference. I have seen them in action in Nepal, where they are clearly helping to save lives. I am aware also of the DFID programmes that support eRanger programmes in Malawi and Kenya. The hon. Gentleman asked me to ensure that eRanger sees a copy of the strategy; I am happy to give him that assurance. I would be happy also to follow the example of the Under-Secretary of State for International Development, my hon. Friend the Member for Worcester (Mr. Foster), who met the hon. Gentleman and eRanger; if necessary, I shall meet them again. I shall certainly write to the hon. Gentleman with a contact for eRanger to use; in turn, I hope that that will help eRanger to gain access to the relevant person at the DFID office in-country.

I cannot guarantee that eRanger will always be the contracted organisation. We have to allow the developing countries concerned to take those procurement decisions for themselves. However, I would want social enterprises and co-operatives to have access to the information that will enable them to make their pitch.

8.13 pm

Sitting adjourned without Question put (Standing Order No. 10(11)).

Westminster Hall

Thursday 12 November 2009

[HUGH BAYLEY *in the Chair*]

Health Inequalities

[Relevant documents: Third Report from the Health Committee, HC 286-I, and the Government response Cm 7621.]

Motion made, and Question proposed, That the sitting be now adjourned.—*(Mr. Watts.)*

2.30 pm

Hugh Bayley (in the Chair): We expect the House to prorogue at about 4 o'clock, and the rules state that when the House prorogues, the proceedings in Westminster Hall finish immediately. I see that quite a number of hon. Members will be seeking to catch my eye during the debate, so I ask colleagues to bear in mind the likely time constraint.

Mike Penning (Hemel Hempstead) (Con): On a point of order, Mr. Bayley. Further to your comments, should the House prorogue, obviously no further comment will be allowed here, but the debate is on a very important report and the Government response to it needs a lot of debate. That is why the Government gave three hours for this debate. Should we not get three hours, is there any way in which this business could be brought back, so that the proper debate could take place in this Chamber?

Hugh Bayley (in the Chair): That is not a matter for the Chair. It is, of course, open to the usual channels to discuss future business in the new Session of Parliament. We are lucky to have one and a half hours, so let us make the most of the time available.

2.31 pm

Mr. Kevin Barron (Rother Valley) (Lab): My response to the point of order is that nothing prevents hon. Members, including members of the Select Committee on Health, from applying for time in Westminster Hall for a debate at a later stage if we think the debate has been too truncated this afternoon.

I shall start with a few remarks about the background to the Committee's inquiry. In 2003, the Government established the first ever national public service agreement target for health inequalities: by 2010, they were to reduce inequalities in health outcomes by 10 per cent. as measured by infant mortality and life expectancy at birth. That was perhaps the toughest target adopted by any country in the world. In addition, the Government had introduced a series of policies expected to reduce health inequalities, including health action zones and Sure Start. When we were taking evidence from different parts of Europe and talking about health inequalities, people kept telling us to go back to the UK and ask people there about it because the UK had set the toughest target and had the expertise.

Despite the efforts that I have described, health inequalities continued to increase. That was not because the poor were becoming less healthy, and the fact that they were not is a good thing. The life expectancy of the poorest quintile of the population was as high as that of the richest quintile 30 years ago. However, richer people were becoming healthier more quickly. Many people thought it unlikely that the Government's 2010 target would be met. My hon. Friend the Minister will probably comment today, if she gets the opportunity, on whether that will be the case.

The Committee's view was that the target was unlikely to be met. On that basis, we launched the inquiry into health inequalities, mainly to see what more the Government could do to improve outcomes. The Committee's focus was on the contribution of not only the national health service and the Department of Health, but other Departments. The Committee's report was published in February this year and the Government response was received in May.

I shall cover only three of the main findings, because of the time constraint. One related to the lack of evidence and poor evaluation of what could loosely be called public health initiatives. We concluded that it was nearly impossible to know what to do, given the scarcity of good evidence and good evaluation of current policy on health inequalities. We regard that as perhaps the most important of all our conclusions in the report. The most damning criticisms of Government policies that we heard in the inquiry were not of the policies themselves, but of the Government's approach to designing and introducing new policies, which made meaningful evaluation practically impossible.

In attempting to deal with inequalities, Governments had rushed in with insufficient thought and a lack of clear objectives, had failed to collect adequate baseline data and had made numerous changes and not allowed time for policies to bed in. Even where evaluation was carried out, it was usually what is termed soft evaluation, amounting to little more than examining processes and asking those involved what they thought about them. Most of us would be fairly happy with a process if we were involved in it. That does not mean to say that the outcomes of the process are being measured.

Professor Sir Michael Marmot's review of health inequalities offered the opportunity for the Government to demonstrate their commitment to rigorous methods of introducing and evaluating new initiatives that are ethically sound and safeguard public funds. I say to the Minister that I understand that Sir Michael's further report will be published next month. We took evidence from him and I am pleased to say that the Government sent some of our recommendations directly to him, although I will not cover all those areas today. The Committee also met him after the event, although that was not in public, to discuss the second phase of his work, so we have kept in touch with what he is doing. He is a world leader in this field and could advise any Government about areas that they need to tackle in relation to health inequalities.

People will not be surprised to know that the Government disagreed with some of our descriptions of their approach and rejected the suggestion that they had wasted learning opportunities. Instead, they insisted that they had sought to build on evidence and learn from their experience in developing and implementing policies and programmes. They did, however, welcome the Committee's practical suggestions to help improve policy design and align it more closely to the best available evidence. They also

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committed to referring our recommendations to the scientific reference group, and I am pleased that they have done that.

Specific health inequalities was an area that we covered. The Government had introduced specific policies to tackle health inequalities; two of particular importance were establishing health inequalities targets and establishing Sure Start. In aiming to reduce health inequalities by 10 per cent. in 10 years, the Government introduced a target that was probably the toughest in the world, as I said. Despite the likelihood that it would be missed, we concluded that aspirational targets such as that can prove a useful catalyst to improvement and we recommended that the commitment be reiterated for the next 10 years—obviously, this will be following on next year—so we do not think that anything has been wasted in the process. The difficulty is measuring how good we have been.

Norman Lamb (North Norfolk) (LD): The right hon. Gentleman says that he does not think anything has been wasted. In referring to the ethical imperative of ensuring that things are evidence-based, the report itself points out that when money is spent wantonly on initiatives that have not been properly thought through, that money is not going into other schemes that may well have a real effect. There is potential damage in that respect, and the report highlights that.

Mr. Barron: We are going to get into semantics here. We are not measuring other schemes, either; we said that there is a lack of good evaluation in this whole area. We will not know where money would get a better return if we do not carry out an evaluation. On that basis, although we think that the Government have done some good things, that is difficult to measure.

We commended the Government for taking positive steps on Sure Start. However, Sure Start had still not demonstrated significant improvements in health outcomes or health inequalities for either children or parents. Early years interventions needed to remain focused on the children living in the most deprived circumstances, and the impact of children's centres needed to be rigorously monitored. As I recall, people said that the second look at Sure Start had shown that in three areas there were some improvements; I will not read those out now. Most people would say that early years is a crucial issue in relation to health inequalities. I say to the hon. Member for North Norfolk (Norman Lamb) that things could be measured better—indeed, the Committee came to that conclusion—but I do not dispute that areas such as that are where money should go. I say that not only as Chair of the Health Committee, but as someone who has been a constituency Member of Parliament for many years and seen health inequalities in my own constituency.

The Government agreed that their health inequalities target had helped to focus the national health service, local government and other partners on health inequalities in a way that had not happened previously. Again, from my constituency experience, I agree with that. The Government also welcomed the Committee's recognition of the important focus given to early years and Sure Start in tackling health inequalities. However, they said that the independent evaluation showed the benefits I mentioned earlier. In their response, the Government said that information—for example, from Head Start in the USA—reveals that such interventions often take time to bed in and do not usually have an immediate and measurable beneficial effect. Research into similar interventions showed benefits in the medium to long term, so we will have to wait. The real question is whether we are measuring things properly.

I turn to the role of the national health service in tackling health inequalities. It would be a fair assumption to make about this wonderful institution, which has served the country for 60 years, to say that it would be better described as a national ill health service, inasmuch as it normally engages with citizens only when they are ill. That is not what health inequalities are about; it is no good waiting for things to happen.

Derek Twigg (Halton) (Lab): Despite the fact that mortality rates have declined, in my constituency they are still above the national average. My right hon. Friend was about to discuss this point, but I want to be clear about it. Does he support the view that we should ensure that primary care trusts, health organisations and the other public bodies in a given area engage with the local population? That would mean that the available resources would all be used, and that the organisations worked together to ensure that things happened. Such engagement is a key factor for the local population in attacking inequalities and improving health.

Mr. Barron: The simple answer is yes. As I said earlier, local agreements with local authorities will be essential to improving health inequalities.

When considering the role of the health service, the Committee found that getting people to adopt a healthy lifestyle was widely acknowledged to be difficult. Evidence suggests that traditional public information campaigns are not successful, especially with lower socio-economic and other hard-to-reach groups.

I do not wish to labour the point, but over the years, and not only recently, the Government have done some wonderful things on lifestyle—for instance, on smoking cessation. They continue to do so in legislation that was agreed in the last few days; they should be commended for their actions. I have had an interest in this subject for public health reasons for many years, and we have now gone there. There are wider issues that impact on health inequalities, but smoking is the biggest issue, and they did guarantee to deal with the smuggling of tobacco into the country. However, we have a long way to go yet.

I shall move away from the report for a moment. Last Friday, I and the two of my parliamentary colleagues who represent Rotherham borough went to the official opening of the Rotherham Institute for Obesity. The organisation was opened by NHS Rotherham, which used to be the primary care trust. The institute is based in the Clifton medical centre, which is not in my constituency but in Rotherham town centre. It will offer many services, including a gym, cooking classes and a resource centre that will provide specialist support for overweight and obese people referred to it by health professionals. The service was commissioned under NHS Rotherham's award-winning and nationally recognised healthy weight commissioning framework, which provides a four-tier intervention programme.

The framework also includes the Carnegie internal camps in Leeds, and summer weight-management camps for children. Rotherham has received national recognition for that. The Carnegie clubs will also run a 12-week weight-management programme for children, and Reshape Rotherham, which is a 12-week community weight-management programme for adults. Two of those programmes will take place in my constituency—ex-mining communities with difficult health profiles.

Professor David Haslam, chairman of the National Obesity Forum, officially opened the institute last week. The opening was also attended by NHS Rotherham weight-management services, including Carnegie weight management, DC Leisure—a private sector organisation that is co-operating with the council in the weight loss programmes—and Reshape Rotherham. The Government have provided resources for areas such as Rotherham borough council; that allows problems to be tackled at source, rather than having to await recommendations from on high that normally take years to roll out.

On the role of the NHS, the Committee concluded that quality and outcome frameworks—QOFs—introduced as part of the new GP contract as a radical way of linking doctors' practice income to the quality of care that they provide, should be considered in relation to improving the health of the population. We also recommended that the role of secondary care in tackling health inequalities should be considered by Sir Michael Marmot's review. We hope next month to hear what it has to say. We also considered that the payment by results framework and "Standards for Better Health" might address large health inequalities. We were repeatedly told that early years offered a crucial opportunity to nip things in the bud; we will also be considering that.

We found that a lack of access to good health services did not appear to be a major cause of inequalities, so the problem is much wider than the centres now being opened can deal with. As well as attending the official opening of the Rotherham obesity centre, I and my colleagues officially opened the new community health walk-in centre, which gives us 13 hours a day of GP services, seven days a week. That will be a major benefit to my constituents.

The Government did reply on the question of QOFs, saying that they would consider introducing a scheme. They also said that the remit of Sir Michael's review was wider than the social determinants of health and their impact on health inequalities. They said that secondary health would be considered separately, as part of a commitment to developing a post-2010 national health inequality strategy.

I hope that the report has done what was intended—to find that there is no silver bullet on health inequalities. It is not there; we would have done something about it years ago if it had been. We hope that a new debate will take place, perhaps over the next decade, on health inequalities and lifestyles. The debate will also be about what society can do. It should not be only the NHS that picks up the failures; society, the Government and others should be involved in reducing health inequalities.

2.47 pm

Dr. Richard Taylor (Wyre Forest) (Ind): I shall be brief. I have questions on four topics—the role of secondary care in prevention; tobacco smuggling; personal, social and health education; and children's services.

Secondary care was mentioned by the right hon. Member for Rother Valley (Mr. Barron), the Committee Chairman. I remember that on one of our visits to the States we met a physician in a hypertension clinic who was bemoaning the fact that he did not have the time to instruct his patients about their smoking and their obesity. We heard from ASH—Action on Smoking and Health—that only half of UK chest specialists have direct access to a stop-smoking counsellor, and we heard that there is a failure to use such services where they exist. We also heard that the chief executive of one PCT, Tower Hamlets, is trying to persuade secondary care services to play their part by providing public health intervention, particularly on stopping smoking and losing weight, and putting it high on everyone's agenda, even at board level.

The last few words of paragraph 152 of the Government's response are:

> "Issues around secondary healthcare will be considered separately as part of the commitment to develop a post-2010 national health inequalities strategy."

What can the Minister do to persuade secondary care services to take on a prevention role much more quickly than that?

My second query is about tobacco smuggling. We heard graphic details about the amount of tobacco that is smuggled and the fact that it is the least well-off smokers who use it. We also heard about the proportion of self-rolled cigarettes that contain smuggled tobacco. The issue has to be tackled immediately.

A *British Medical Journal* report told us that eliminating tobacco smuggling could save between 6,000 and 6,500 lives a year. When that is compared with the only 1,000 deaths a year that result from smuggled illicit drugs, it puts the matter into perspective. It is the least well-off smokers who use such tobacco. Paragraph 232 in the Government's response states:

> "The Government will give serious consideration to the Committee's comments on smuggling and the international tobacco control agreements, as part of the development of a new tobacco control strategy during 2009."

As 2009 is very nearly over, I am hoping to hear great things from the Minister about what the Government are doing about tobacco smuggling.

Let me turn now to personal, social, and health education. In our conclusions in the report, we said:

> "We are pleased that, five years after we recommended it, Personal Social and Health Education (PSHE) is finally being made a statutory part of the national curriculum."

That has been a recurring theme in a number of our inquiries in the past. We are told in the Government's response that some recommendations require legislation and some can be taken forward immediately. Will the Minister tell us which of the recommendations relating to PSHE can be taken immediately? I do not subscribe to the belief that the nanny state is harmful; there are occasions when it is needed. When young people do not have parents who are doing the nannying, the state has an obligation to step in.

I move on to children's services. Sure Start has been mentioned by our Committee Chairman, and evidence is increasing about the benefits of the scheme. I have visited a Sure Start centre in my constituency; it is based in the heart of a most deprived community, and it is doing absolute marvels. Kids come in looking lost.

Mr. Peter Bone (Wellingborough) (Con): Does the hon. Gentleman agree that one of the problems of the Sure Start system is that it is not getting to the hard-to-reach cases? That is what the Sure Start centre in my constituency tells me. It is working well, but it is not getting to the very difficult and hard-to-reach groups.

Dr. Taylor: I am coming on to that in a moment, because that is one of my concerns, too. The Sure Start centre that I mentioned is at the heart of a deprived community and is doing marvellously. Last week, I opened a children's centre in Kidderminster, which has absolutely superb facilities. Its catchment area is supposed to tackle some 988 children, and the children come from extremely mixed areas. The centre provides stay-and-play facilities, dads' groups, which are crucial, and support and advice on a wide range of topics. It has links with nurseries, childminders and schools and, most importantly, it has outreach workers who aim to visit all 988 children.

The place was packed when I opened it, so I could not do an assessment of where all the children came from. There must be a huge temptation for the better-off families to use the centres because they have such super facilities. However, it is the silent voices that we so often try to find that must be tackled and made to feel involved in the children's centres because they are the people who really need them.

I had a briefing from the Royal College of Physicians for this debate. It desperately wants movement on a range of issues, including a reduction in obesity, the prevention of smoking and a reduction in alcohol consumption. Many of its examples of what is needed to promote healthy lifestyles for children are covered by PSHE and by what is provided by the children's centres. So we have the right aims and right tools in place. We must ensure that they are taken up by the people who need them.

I am not sure whether hon. Members realise, but there are proverbs that were written before the birth of Christ. One states:

> "Train up a child in the way he should go: and when he is old, he will not depart from it."

We have just come round to realising the importance of what happens in childhood.

2.55 pm

Dr. Howard Stoate (Dartford) (Lab): It is a pleasure to take part in this debate. I am a practising GP and take a great deal of interest in issues around the health of my constituents as well as my patients.

In recent years, the debate on health inequalities has focused almost exclusively on what we eat, drink and do—or, more specifically, what we do not do in terms of physical activity. Hardly any attention has been paid to the physical environment in which we live. It is as if we have collectively decided that with the advent of modern domestic plumbing, central heating, cavity wall insulation and so on we no longer need to spend time worrying about the environment in which we live.

Even though the dragons of poor sanitation and slum housing may largely have been slain in this country, it would be wrong of us to ignore the environment as an important issue. Unquestionably, people's housing conditions have improved, but the condition of their neighbourhoods leaves a lot to be desired and has not improved to the same extent. Living in badly maintained and badly planned neighbourhoods with inadequate infrastructure and amenities not only restricts people's ability to live healthy lives, but causes untold damage to their health and mental well-being.

A study published last year in *Preventive Medicine* found that areas perceived to be safer and more aesthetically pleasing can enhance mental health, while adverse effects were associated with road congestion and urban noise. Rates of psychiatric illness are also greatest in the most deprived areas, and the rates for psychoses map closely those for deprivation. Poorly maintained environments are also a cause of increased levels of stress and a greater susceptibility to heart disease, stroke, cancer and long-term chronic conditions.

Sustrans has reviewed the evidence of links between physical activity, health and social inequality and found that obesity, diabetes and cancer all affect people from deprived communities disproportionately. The link has primarily been made to the environment in which they live.

The recent Royal Commission on Environmental Pollution has also found plenty of evidence to show that living in deprived urban areas increases the risk of poor health outcomes, even after controlling for individual circumstances. So, a bad situation is made to seem much worse by the inevitable contrasts that people in poor neighbourhoods make between their own living conditions and those of richer people living down the road in much better provided and much better maintained areas.

There is plenty of evidence to back up such a view. My particular favourite is the example of Roseto, a blue-collar Italian-American community in Pennsylvania. Puzzled as to why Roseto's health outcomes were consistently better on average than those of neighbouring towns—despite the fact that Roseto was no wealthier than they—a team of researchers decided to take a closer look. What they found was a town that was different in character and appearance from anything else they had seen in Pennsylvania. Its residents did the same kinds of jobs as those in neighbouring towns; they ate the same diets; they took the same risks with their health; they even had the same disparities in income as the towns nearby. The difference was that it was almost impossible to detect income disparities by looking at the places in which people lived. The houses were the same size, the cars were the same and the clothes that the people wore were similar. It was virtually impossible to distinguish people's social position just by the appearance of either themselves or their houses. The report states:

> "It was difficult to distinguish, on the basis of dress and behaviour, the wealthy from the impecunious in Roseto. Living arrangements—houses and cars—were simple and strikingly similar."

The researchers attributed that to a strong egalitarian sense of community among Roseto's residents that precluded ostentatious displays of wealth and frowned on any behaviour that might cause embarrassment or shame to the community's least affluent members. Clearly, when people's houses, cars and clothes are uniform across society, it has a beneficial effect on their health outcomes despite the disparities in income.

Sadly—this is the interesting part—it did not last. Once the first generations of primarily Italian-speaking residents died out and were replaced by English-speaking children and grandchildren who had the same cultural and moral values as those in other Pennsylvanian towns, Roseto's health outcomes soon began to slip. It is a very instructive example. It reminds me of the rather whimsical essay "The Socialist's Guide to Camping" by the late Oxford philosopher, G.A. Cohen. On a camping holiday, Cohen said, "there is no hierarchy" among people. They co-operate, share, generally act in ways that promote the collective good and take great pleasure in doing so. Although some tents may be bigger and brighter than others, or some people may have shinier, more high-tech camping gear than other people, it is much harder to detect the differences in wealth and status between families that mark them out in normal everyday life. So, for a brief, happy, life-affirming and health-enhancing moment, egalitarianism rules and our social differences are forgotten.

In the real world, however, it is not quite so easy to draw a veil over our wealth differences. That is not to say that we should not be trying to do so and indeed there are examples where people have succeeded in doing so. The fact that Britain is becoming more and more segregated geographically by class, age and wealth, as Professor Danny Dorling and his team from Sheffield university have shown, indicates to me that people are trying, consciously or unconsciously, to restrict the degree to which they are exposed to wealthier and supposedly more successful sections of society in their exclusive enclaves.

One way of addressing this issue is to invest more resources in improving the quality of the built environment in our most disadvantaged communities. Over the past 12 years, we have had a number of successes in this respect, but we need to do a lot more. For instance, the new deal for communities has helped to deliver a lot of schemes that have helped to improve the fabric and appearance of many disadvantaged communities, as well as helping to cut crime and improve access to jobs, education and health services. Crucially, local residents in those communities have been closely involved at an early stage in the design and implementation of many of those initiatives. Resident "ownership" is essential if schemes are to be sustainable in the long term and not require further investment at a later stage. The skills and confidence that residents develop as a result of their involvement in those schemes is not only good for their health and well-being but often encourages them to go on and set up further projects of their own. However, we need far more resident-led, area-based initiatives of that kind if we are to reduce health inequalities.

We also need to think much more carefully about health when we are planning new developments. Ever since the public health function was taken away from local authorities back in the 1970s, very few local authorities have spent much time thinking about the health implications of their planning decisions. That has to change if we are to create developments that actively encourage people to pursue healthy lives.

New developments with safe, well-maintained and attractive walking routes, play areas and parks are vital if we are to get people out of their homes and cars, and on to the streets. As with everything in life, it is a matter of motivation. Telling people that they need to take more exercise is easy; getting them to want to take more exercise is altogether more difficult. That is why the built environment is so important. If people look out of their windows and see a grey, badly maintained street scene, clogged with traffic, litter and dereliction, they will stay at home. On the other hand, if they look out of their windows and see trees, grass, nice paths and families out walking their dogs and their children, they will want to take part themselves, because otherwise they will feel left out of what is going on outside. That is a fundamental human condition.

In my area, which is in the Thames Gateway, the new Thames Gateway parkland initiative is a model of the approach that we should be taking. It recognises that creating attractive green spaces that are easily accessible and well integrated with the existing urban grain is a vital aspect of the area's long-term regeneration. The proposed A2 activity park, the improvements to the Darent valley path and the new Jeskyns community woodland are all good examples of this work in my area. What we need to do now is to extend that programme across other areas in the Thames Gateway. It is clear that many existing communities feel that much of the investment that has been directed at the Thames Gateway has simply passed them by. If we do not address t[illegible] problem quickly, there is a grave risk that we will not achieve one of the central goals of the Thames Gateway regeneration strategy, which is to improve the quality of life and the life chances of the area's residents.

In short, if we want to improve people's sense of well-being and enhance their long-term health prospects, we can do no better than to spend time and money on improving the quality of the built environment in which they live.

3.3 pm

Mr. Peter Bone (Wellingborough) (Con): I want to start, Mr. Bayley, by saying that it is a pleasure to serve under your chairmanship. I also want to congratulate the right hon. Member for Rother Valley (Mr. Barron) on how he introduced the report that we are discussing today and on how he carried out the inquiry into this issue. As usual, he did so with great diligence, hard work and fairness.

The report brings to the Government's attention the key problem that evidence-based activity needs to be undertaken in the future. One of the things that became clear to me during the inquiry was that there was a willingness to invest money in ideas but the Government had not necessarily worked out whether those ideas were the best ideas, nor had they found any way of establishing whether they were the best ideas.

I have a question for the Minister. One of the things that I struggled with during the inquiry was the issue of targeting resources. Let us say that my primary care trust has £10 million to use up and that it could spend that money on improving people's lifestyles, so that perhaps 1,000 people could live a year longer than they might otherwise have done. Those 1,000 people are middle class, active people who want to engage with the PCT. Alternatively, there are 50 people in the hard-to-reach group who would also see their life expectancy improve by a few years if that £10 million was spent on them. What should that PCT do? Should it help the greatest number of people or help the few people in the minority? I am not sure that saying that it is always right to try to close health inequalities is always the way forward, in practical terms.

[Mr. Peter Bone]

We can take great pride in how successive Governments of all political persuasions have managed to develop the health service so that we all live longer. That is probably what we are looking for. We are certainly not looking to reduce the life expectancy of the well-off so that people who are much poorer live longer; clearly, that is not what we are trying to do. The aim of the debate is to increase life expectancy for everyone, while somehow also helping those people who are in the minority groups. I am not sure that our report takes us any nearer to striking that very difficult balance.

One of the things that the Government did that was very good was to introduce the national capitation formula. That is a method whereby every PCT receives a sum of money based on the criteria of its needs. In crude terms, a PCT would receive more money if it had more people with health inequalities. In my patch, for example, I have some very poor areas, where health inequalities are much worse than in other areas.

The problem, however, is that the Government have never funded to the national capitation formula. I have challenged the Government time and again on that, and the answer that I have received is, "Oh, we over-fund elsewhere". That is no answer at all to my constituents. For instance, my area does not have a hospital. However, if we had received the money that we would have got if the national capitation formula had been paid in full, we could have had a hospital, which could have helped those people who experience health inequalities.

So it seems to me that the Government were going in the right direction with the formula, but because they did not implement it—indeed, they still have not implemented it—Northamptonshire PCT is millions and millions of pounds short. For a long time, one of my arguments has been that, to get more fairness in the system, people should be funded fully in line with the national capitation formula. To use the excuse that more money is being paid to other people, as the Government have done, just does not work.

I also think that Tony Blair, when he was Prime Minister, had the right idea in wanting to bring our standard of health care up to the European average. There are still no benchmarks of quality care and outcomes, and that is a fundamental flaw that needs to be put right. However, the ex-Prime Minister got it wrong in thinking that if we just put the money into the health service, that would automatically improve it. Consequently, we have seen the funding for the health service go up to roughly £100 billion a year, which is twice as much in real terms as it was under the last Conservative Government. Unfortunately, outcomes, as measured by finished consultant episodes, have increased by only 20 per cent. So we have put 100 per cent. more money in, but got only a 20 per cent. improvement in outcomes.

That is the great criticism of the Labour Government; their hearts are in the right place, but they have failed dismally despite having had a golden opportunity to succeed. Someone, at some stage, has got to look at this massive budget and use it more effectively. We must know what the outcomes are and approach the issue evidentially, so that we can measure health inequalities. Furthermore, we must not only measure the health inequalities in this country, but compare them with those of our European colleagues.

If our European colleagues have much better success rates on strokes, we as a nation are suffering a health inequality, and we have to put that right. As the report says, we have to start with evidential measurements; we have to know what the measurements are so that we can know whether the money that we are putting in is actually working.

I want to conclude in a moment because we are short of time. I notice that the sitting on the Floor of the House has been suspended, so we might have been switched to live national television, which is only right and proper given that we are debating health inequalities and the Health Committee report. The right hon. Member for Rother Valley talked about taking local people's wants and needs into account. I have a big town in my constituency called Rushden, which funded an out-patient facility after the second world war in remembrance of those who had fallen. The hospital served by that facility was not in my constituency, but miles away in Kettering. When the Government changed the rules and gave us foundation hospitals, it became a foundation hospital.

That hospital has now closed the out-patient facility in my patch, despite the fact that the facility was funded by local people at the end of the second world war. That will increase health inequalities in my area because the facility was used by those who could walk to it—the 20 per cent. who did not have cars and who could not easily travel miles. Now that it has gone, however, they have to use taxis or get friends to transfer them to the nearest NHS facility, which is outside the constituency. That is a health inequality, and such things should be measured.

In conclusion, the report was helpful, and I hope that this Government and the next Government—whatever their political persuasion—will consider it seriously. The main point is clear: it is no good putting our finger in the air and thinking, "This is a good idea. Let's put a few million pounds behind it." We have to have the measurements to know whether initiatives are achieving anything; if they are not, we have to have the political courage to stop them and spend the money on something else.

3.12 pm

Norman Lamb (North Norfolk) (LD): I have received a text message suggesting that we might have until 5 pm, so the Minister may have well over an hour to respond to the debate. I am sure that she will appreciate that opportunity, although the message may be entirely inaccurate.

Hugh Bayley (in the Chair): Order. Let me say for the benefit of hon. Members that I am also taking what soundings I can. I do not think that the debate is likely to end imminently, but I would be surprised if it went anywhere near half-past 5. That said, I do not want to curtail what anybody wants to say, and I am sure that we all want to hear what all three Front Benchers have to say.

Norman Lamb: Of course. I am grateful to you, Mr. Bayley.

I congratulate the right hon. Member for Rother Valley (Mr. Barron) on his introduction to the debate and on the work that he and his Committee have done on this incredibly important report, which highlights a number of crucial issues. Let me start by addressing the scale of issue that we face. This country has gross health inequalities. The report highlights the fact that the life expectancy of a girl born in Kensington and Chelsea is 10 years longer than that of someone born in the city of Glasgow. Sometimes, in the same city, the difference in life expectancy can be as much as 14 years, and we can see such gross inequalities in northern cities such as Sheffield. The really disturbing aspect is that these inequalities are getting worse. Over the past 10 years, the gap has increased by 4 per cent. among men and 11 per cent. among women. That should concern us all.

The hon. Member for Wellingborough (Mr. Bone) rightly said that these things are relative and that the whole nation's health is getting better, but that should not satisfy us and we should not be comfortable with a society in which there is such a significant gap between rich and poor. Just because someone is born into a deprived community, they should not be condemned to a shorter life than someone who is born in the wealthier suburbs. Something is wrong somewhere.

Hon. Members may be aware of the important study that Richard Wilkinson published earlier this year. In a nutshell, his case is that inequalities in health and inequalities in outcome in areas such as education and crime are closely related to the extent to which a society is unequal. The more unequal the society, the worse the outcomes and the more inevitable the inequalities in mental and physical health, education and so on.

Potentially, that is a bit of a counsel of despair because it suggests that if we are stuck with an unequal society that has gross health inequalities, there will be little that we can do to change things unless we make that society more equal. I will come back to that. There is an overwhelmingly compelling case for us to address inequality in society and to look at the symptoms of that inequality. The Government have had a golden opportunity to tackle the extent to which society is grossly unequal, but the measurements are getting worse, not better. Furthermore—this is about political choices—can anyone really believe that the Conservative party, if elected, would have as an imperative the creation of a more equal society? I really think not.

Mr. Bone: You are wrong.

Mike Penning: You are wrong.

Norman Lamb: Hon. Members say from a sedentary position that I am wrong, but when the Conservative party's one key tax proposal is to give millionaires a massive tax break on their estates, that does not suggest a commitment to a more equal society.

Irrespective of the extent to which we can tackle the inequality in our society, we have a duty to do what we can to address health inequalities in the existing system. At a time of austerity, when the Government's focus is on reducing the budget deficit, there is a real danger that the wrong decisions will be taken and that the cause of public health and reducing health inequalities will be damaged. In the aftermath of the 2005 general election, health budgets were squeezed and times were tough for the finances of the NHS.

As the Committee's report pointed out, cuts were made to mental health, public health programmes, staff training and so forth. This time, we must not allow constraints on public expenditure to result in crazy decisions that damage our chance of reducing health inequalities. The report notes that we have a seen a reduction in the number of public health specialists working in the NHS in recent years, while the number of administrators and other health professionals has increased. Why is that happening? When the importance of public health practitioners is as great as ever, why are we cutting their numbers?

The report makes a powerful case for the importance of evaluation and evidence, and it is pretty critical of the Government's record in that regard. It describes the failure to evaluate and the failure to base policy making on evidence as the

> "most damning criticisms of Government policies".

Paragraph 3 of the conclusions says:

> "The latest initiative on Healthy Towns has all the failings of previous policies, indicating that the Government has learnt nothing from past mistakes."

That is a depressing conclusion and suggests that nothing has been learned.

I intervened earlier on the right hon. Member for Rother Valley about the case for an ethical imperative to base policy on evidence. Paragraph 4 of the conclusions to the Select Committee report states:

> "All the reforms we have discussed are experiments on the public and can be as damaging (in terms of unintended effects and opportunity cost) as unevaluated new drugs or surgical procedures. Such wanton large-scale experimentation is unethical"—

the Select Committee is accusing the Government of being unethical in their failure to base policy on evidence—

> "and needs to be superseded by a more rigorous culture of piloting, evaluating and using the results to inform policy."

That is an incredibly important conclusion, and the Government must take it on board.

The report also refers, in paragraph 8 of the conclusions, to the NICE process, which we all like to think of as objective and evidence-based—something by which we approve drugs and procedures on the basis of evidence. However, the report makes the critical point that we do not evaluate what is lost when new drugs, for example, are introduced as a result of a NICE approval. The conclusion states that

> "more needs to be known about the relative cost effectiveness of treatments and services that are displaced to fund the new treatments recommended by NICE."

If we approve something that is so costly that it throws out something very effective that is already in place, what we do is not evidence-based.

I think that the hon. Member for Wellingborough made the point, on the funding of primary care trusts, that the Government absolutely correctly introduced a new system, to base funding on need. No one could object to that. Yet they failed to implement it. They had the opportunity to begin to reduce the difference between historical funding and funding based on need, but they took no step in that direction. So there is still just as great a disparity, and year by year the cumulative effect of underfunding, in many communities, gets greater. Why, having introduced a system for basing funding on need, do the Government not implement it? That is another damning criticism.

The report refers also to the fact that funding that goes to primary care trusts and is intended for good public health initiatives to improve health and well-being often ends up being spent on acute care. That, I am afraid, comes down to the financial incentives in the

[Norman Lamb]

NHS, and the failures of payment by results. There is now widespread recognition, including from senior people in the Department of Health, that there is an urgent need to reform payment by results. It is sucking funding into acute trusts and away from proactive programmes to improve health and well-being locally. It is essential that we seek urgently to reform that process.

We should also consider the work of Chris Ham and others, from Birmingham university. He puts forward the case for capitated budgets and integrated care organisations bringing GPs to work alongside other professionals in health and social care, so that they have responsibility for the whole budget for the care of patients and an incentive to keep their patients in better health and, particularly, to manage those with chronic conditions better. The funding of those organisations would reflect the level of deprivation and the health needs in the relevant communities.

We must also look much more smartly at the potential role of incentives in driving a change of behaviour, to ensure that the finances are used to address the problem more effectively than in the past. Julian Le Grand, who was an adviser to the former Prime Minister, Tony Blair, put forward the case, in a recent report, for incentivising commissioners to engage with this issue, and to work with local authorities across organisations to produce health and well-being programmes. That might include introducing cycle lanes, or all sorts of imaginative local things, but critically it would involve working with housing, community regeneration and education services, to achieve better outcomes. I visited the Norfolk's primary care trust website last week, to see what it offered for health and well-being, and how it was engaging the community, and I could find nothing. At the moment, the commissioners of health care are failing to grapple with the imperative of addressing the need for health and well-being, particularly in our most deprived communities.

Reference has also been made to incentives for professionals, and the qualities and outcomes framework system, which has made a difference. It has started to change behaviour, but we must surely ensure that QOF incentivises GPs on the basis of outcomes, not procedure. At the moment, payments are made when processes are gone through, not when outcomes are achieved.

Dr. Stoate: I must take issue with the hon. Gentleman on that; most of the QOF measures are evidence-based. They are evaluated by NICE, which is now responsible for negotiating QOF on an annual basis. Most of them are to do with outcomes, such as lowering cholesterol. The number of people whose blood pressure is controlled, and the number whose diabetes is controlled in the long term is not a matter of process. The focus is now very much on outcome.

Norman Lamb: I did start my point by saying that QOF had made a difference and had begun to change behaviour, but in areas such as obesity, which involves the measurement of the patient's weight, payment is not on the basis of reducing weight. Smoking is another example; telling a patient to set a date for giving up smoking, and going through certain processes, brings the payment. It is not given for getting the patient to give up smoking.

We must ensure that in all respects QOF is strictly related to outcomes, and that it plays a part in dealing with health inequalities. We also need to examine evidence from other countries, and perhaps insurance systems, to find out the potential value of incentives to change individuals' behaviour. Such initiatives are starting in parts of this country. Again, the use of incentives in deprived communities may begin to affect behaviour. We should be open to those opportunities. The report says that there is no assessment of how much we spend on tackling health inequalities, and the Government need to address that fact.

Finally, I want to mention early years. The report expresses concerns about the impact of Sure Start and children's centres so far. I am a strong supporter of Sure Start, which is an important initiative. I should be extremely concerned about any termination of that programme. However, according to the report there is limited evidence of impact. It expresses concern about the shift towards children's centres. If the programme is to be spread across all communities, will the focus on the most deprived communities be weakened?

The hon. Member for Wellingborough appropriately made the point that the focus needs to be on reaching the households that are hardest to reach. We are not doing so effectively enough. The Worldwide Alternatives to Violence Trust has done fascinating work on the absolute importance of early intervention, and the changes that can be made to life chances by making a difference in the first three years of life. We are not yet doing enough to make that a reality.

Mr. David Drew (Stroud) (Lab/Co-op): I apologise for not being here for the rest of the debate, but we were trying to put the parliamentary reform recommendations to bed.

Does the hon. Gentleman agree—and he will know about this because his constituency mirrors mine—that one of the problems with early-years work is that children in deprived circumstances in very rural areas often lose out, and that we need to be smarter about the way Sure Start and children's centres reach out to them?

Norman Lamb: I am grateful for that intervention, because it is an incredibly important point. Measures of deprivation inevitably end up focusing attention on the entrenched areas of deprivation in our inner cities, but they risk missing hidden deprivation in rural areas, which can often be exacerbated by inaccessible services, lack of public transport and so forth. We must be much more sophisticated in analysing where deprivation is, to ensure that people in rural areas do not lose out.

In conclusion, I reinforce the point that I want us to be honest in this debate. There are limits to what we can achieve in this country while we continue to maintain one of the most unequal societies in the developed world. The United States and Portugal are more unequal, but we are up there among the worst, and that has a significant bearing on health inequalities. Unless we address that, we will not tackle a critical problem discussed in the report that I find unacceptable in a civilised society.

3.30 pm

Mike Penning (Hemel Hempstead) (Con): This is an important debate. I congratulate the Select Committee on Health, of which I have had the privilege of being a member for many years. When I first came to the House in 2005 and was asked what Committee I wanted to be on, there was only one answer: health. It took me a couple of months to convince the Whips, but I convinced them and joined the Committee. It is enormously important and considers the evidence very well, and it is exceptionally well chaired by the right hon. Member for Rother Valley (Mr. Barron). I pay tribute to the Committee.

Interestingly enough, the report, when it first came out, drew on a lot of previous reports by the Committee, particularly its excellent report done at the time of the smoking debate. Without the Committee and its proposed amendments, the present legislation would not be on the statute book. I know that whenever the right hon. Gentleman speaks, he always likes to bring up smoking and how we can encourage more people to stop. It is an important issue that I know is close to his heart. Other reports include work on deficits and the funding formula. We looked at inequalities not just in socially and economically deprived parts of the country but in other parts of the national health service, to which I will return in a minute.

The issue of inequalities is nothing new. Beveridge was discussing health inequalities long before I was born, and the House has been discussing it for many years. Increasing progress has been made, but sadly, over the past few years, even according to the Government's own statistics, the situation has been falling back.

As we have heard today, the Government have had a golden opportunity, with more than £100 billion—there will be a debate about just how much, but it looks to be about £110 billion by the time the election comes—of taxpayers' money being spent on the NHS. The report highlights criticisms that have been around for some time, not just from political parties but from experts in the field, about how that money has been spent and why so little of it seems to get to the front line. The evidence in the report shows clearly that one reason is that it is really not known whether the money is being spent efficiently or is working.

The contributions that we have heard today have been eminently sensible. They show that the House really cares about the issue. It is not party political, although we have had a bit of banter. I was disappointed with the hon. Member for North Norfolk (Norman Lamb)—I will call him my friend from the Liberal Democrats—who did a bit of pre-electioneering for a few moments, but he is better than that and he knows it, so I will not bother to comment on the silly remarks that he made.

Mr. Bone: My hon. Friend is making a powerful speech as usual. Am I right in thinking that only the Conservative party has guaranteed to increase spending on health?

Mike Penning: That is absolutely right. I would have thought that anyone commenting on Conservative party policy would balance their arguments.

Norman Lamb: Will the hon. Gentleman give way?

Mike Penning: Certainly.

Hugh Bayley (in the Chair): Order. I remind hon. Members to concentrate on the issue of health inequalities.

Norman Lamb: I am grateful, Mr. Bayley. Does the hon. Gentleman agree that the causes of health inequalities are largely beyond the NHS?

Mike Penning: Absolutely, which is why my party, should we be lucky enough to be elected, will change the Department of Health to the Department of Public Health so that we can start locking other agencies into a better working environment. The report criticises the lack of joined-up government on such an important subject, so it agrees in many ways with me that we need to come together as a Government. Different Departments need to work together. The hon. Gentleman is absolutely right: no one Department can solve the problem, but Government can start to get there.

One of my concerns about the report is that although it is crucial that we consider social and economic deprivation, it is not just about deprivation in big cities; there are small pockets of deprivation in the most affluent parts of this great country of ours. We stand in the Palace of Westminster, while not far from here—probably literally within a couple of hundred yards—there is deprivation on the streets of this great city that we are not touching. We heard earlier, when hon. Members were discussing Sure Start, that there are people whom we are not getting to. Sure Start catches all, but it is not targeted at the families who desperately need it. That is one thing we need to look at.

Inequality is not just about social and economic deprivation. There are other kinds of inequality in the health service as well. Older people, for example, face inequalities that younger people do not face. As people get older—although, thank goodness, they are living longer—they start to suffer more problems. Are those problems being addressed in the right way? Is funding going directly to the patient? Is rationing of any description occurring? The accusation has been made in the press for many years that as people get older, the money does not necessarily follow them.

Sadly, ethnic minorities also suffer health inequalities. I accept fully that some ethnic minority groups live in the most socially deprived areas of this country, but others do not. There are issues involving language and how people are helped. At the Conservative party conference in Manchester this year, there was an interesting debate on how to reach groups of people in this country who not only do not speak English as their first language but do not speak it at all. Fantastic work on health inequalities is being done with the Bengali community around Brick lane, particularly with ladies who do not speak any English at all, on how to reach them to get them to come in for breast scanning, cervical smear tests and so on.

That sort of innovation in our communities is the way forward, rather than the Government knowing everything. I agree that the Government have a role, but it involves commissioning rather than, as in most cases, providing. The work done on Brick lane, interestingly enough, used a speaking card that was sent directly to the people whom the hospital thought were at risk. When the card was opened, the message in Bengali was, "You may be at risk; you need to come forward." Such things need to be considered for our GPs' surgeries and so on.

The hon. Member for Wyre Forest (Dr. Taylor), as usual, brought expertise and knowledge from many years—I nearly said centuries—to the debate. I want to

[Mike Penning]

touch on one point that is close to the heart of the Chairman of the Select Committee and that we have debated—although, sadly, not for long enough—on the Floor of the House in Committee and on Report: smoking. It is the great pariah out there in our country that causes so many problems. In particular, I want to pick up on the point made by the hon. Member for Wyre Forest about the illicit smoking of tobacco products.

For many years, no matter which party has been in power, the Government have tried to reduce the number of people who smoke in this country. They have done so using many different measures, but mostly through duty and taxation. If we believe that to be right, as I do—I believe that if cigarettes were cheaper, more people would smoke more—how can it be right that millions of cigarettes are brought into this country duty and VAT-free and sold illicitly to whoever comes along at that particular moment in the marketplace, pub or club, without anyone checking their age or anything about them? That affects health inequality in this country in many ways.

Three main types of illicit cigarettes are sold in this country. The first is the new cheap whites, which look like cigarettes that are sold legally, but most of which are made in the eastern bloc and smuggled here. The second is the counterfeits, which concern manufacturers most because they do not make a profit from them. As hon. Members know, I have no truck with tobacco manufacturers and would be more than happy if they went bust tomorrow morning. The third is the simple black market cigarettes that are brought into the country. Those are the greatest problem. It is estimated—it is only an estimate because we really do not know—that they cost £3.6 billion in lost revenue, and there is lost VAT on top of that. That money could be used in public health programmes across the country or to help the Chancellor and Prime Minister fill the black hole of Government borrowing.

We should not only attack the drug barons who are moving into tobacco smuggling; we could tackle the issue immediately by changing how many cartons of cigarettes can legally be brought into the UK from other EU countries. It is often argued that that is a European issue. However, if we wanted to, we could set the level at as few as 40 cigarettes. Other countries have a level as low as 400 cigarettes, which is two cartons. Our current level is 3,500. Every day, Transit vans go to the continent and return with cigarettes that are supposedly for personal use, but which end up in the pubs and clubs in the towns of our constituencies. We could make 400 cigarettes the maximum that can be brought in from other EU countries, and deem anything more as being for use on the black market. We could do that tomorrow morning. That would send a strong message to the black market racketeers and move the smoking debate forward.

A few moments before this debate began, I was on the Floor of the House. The Minister noticed and was worried that I would be late. I was raising the issue of the proxy purchasing of alcohol because during a debate on smoking a couple of weeks ago, the Minister did not accept amendments on the proxy purchasing of cigarettes because they would not be enforceable. Proxy purchasing is a loophole whereby somebody who can prove that they are 18 buys a product and gives it to a minor, whether for profit or not. During today's debate on the Policing and Crime Bill, I asked the Under-Secretary of State for the Home Department, the hon. Member for Tynemouth (Mr. Campbell) whether he thought such a measure would be enforceable. Sadly, he was not able to respond, but looked at me strangely. I said to him that if it is not enforceable, we should find a way of enforcing it so that we can protect our young people. It cannot be beyond the wit of a Government to bring in legislation that bans someone over the age of 18 from supplying cigarettes to a minor. That is an obvious thing we could do to tackle smoking and inequality.

The report is so big that I cannot cover it all. Another topical area it covers is food labelling. For years, the Government and the Food Standards Agency have gone back and forth on what should appear on the front of food packaging to protect the public and give them knowledge about what is in the products they buy. Guideline daily amounts and traffic lights have been considered, and still we wait. There is confusion in the industry and among consumers. Obviously, it would be helpful to have one kind of labelling on the front of all British food products that outlines how good they are for people, what percentage of the recommended daily intake they constitute and how much salt and fat they contain. I hope the Minister will say that that will happen.

Dr. Stoate: Is the hon. Gentleman aware that one of the main reasons why we do not have uniform food labelling, which I am in favour of, is that many manufacturers and large supermarkets will not agree on a system that they can put up with? How does he think we could compel them to sort that out?

Mike Penning: I have met many manufacturers and producers over the years, as have the Minister and the Select Committee. It is claimed that Europe will not allow us to compel certain things. Apparently, the traffic light system is not legal. We should accept that. However, the GDA system is legal. All the manufacturers seem to have agreed about GDA so why can we not come to an agreement? It would be more logical for a Government who want to protect the public to consider how we could do it, rather than prevaricate and say why we cannot.

Mr. Bone: If we passed legislation that required manufacturers to use one kind of labelling, it would be done. Nobody in the EU would do anything about it, such as fining us. Are we not in favour of bringing powers back from Europe?

Mike Penning: Absolutely. Rather than go to war, it would be better to find something that can be done within EU law and do it. There is a type of front-of-pack labelling that could be used. We called for it in 2004 and are still waiting in 2009.

I would like to talk about the excellent report for longer, but I want to give the Minister longer than I have had so that she can respond to the questions of hon. Members. If she cannot respond, I am sure she will write to us with the answers.

Finally, obesity is a major issue. To be fair to the Government, some positive research has come out recently that shows a slow-down in obesity rates among children and youths. However, one report does not make the problem go away. As the hon. Member for North Norfolk said, it cannot be just the Department of Health that deals with this issue. However, it must drive it forward because ultimately, it has to sort out the mess caused by obesity. Hospitals are full of people suffering from acute illnesses caused by obesity. There is a social stigma attached to people who are obese, and ever-increasing amounts of bullying are being reported. All too often, the national and local press report the attempted or successful suicides of people who have been bullied because of their weight. That is fundamentally wrong. We must give every possible assistance to tackle obesity.

Christopher Fraser (South-West Norfolk) (Con): I am listening to my hon. Friend carefully and listened to the other contributions while I was in my office. Does he agree that there is an obligation on supermarkets and food retailers to be more explicit about issues of obesity on the labelling of products that they sell, so that people have a proper idea of what they are eating and the consequences of doing so?

Mike Penning: I agree completely. It fascinates me that manufacturers get away with some of the comments they make about how healthy their products are—particularly in TV advertising—when they are certainly not healthy.

Norman Lamb: The hon. Gentleman is making important points about labelling. Does he agree that there is a powerful case for labelling on alcoholic products? On a related issue, does he think that minimum pricing for alcohol should be introduced? That is a key public health issue and is a recommendation of the chief medical officer. It is another area in which the Government have ignored the scientific advice they have received.

Mike Penning: We are continuing to look at the latter point and have not committed ourselves one way or the other on minimum pricing. As a Conservative, I find the whole concept of minimum pricing very difficult, but we will continue to consider the evidence.

I am becoming increasingly convinced that alcohol products should provide an indication of calorie content, because the simple fact is that if any of us or our partners were to go to any weight-reducing organisation, whether it is run by a local authority or is one of the national programmes, it would tell us that if we consume more than an average amount of alcohol, our weight will be difficult to control. I am a perfect example of that. Since I have given up drinking pints of one particular brand of alcohol—I will have to say that it is Guinness—I have lost in excess of two stone in six months. That was done on the advice of my cardiologist. Do I miss that particular form of alcohol enormously? To be truthful, yes. However, has giving it up helped me enormously? Yes, it has—it has cost me a few more pounds in suits, but I think it was worth while.

The Minister, the hon. Member for North Norfolk and I were at a meeting the other day; again, I am not going to advertise or pick on the hon. Gentleman for being rude at that meeting about my being overweight. It was fascinating to find out there that it can be fun for people to reduce their weight and improve how they feel, particularly in their youth, and that people's self-esteem completely changes. If there is one thing we can do on obesity, it is to stop stigmatising it and encourage people to enjoy themselves in controlling what they eat, particularly through portion size, and in burning off energy through exercise. If we can address that and make it fun, rather than making those people the pariahs of society—as, sadly, much of the media and fashion industry do—we will go a long way towards addressing the whole issue of health inequalities.

As I said, I would love to have spoken for much longer because the report deserves a debate. However, I am conscious that other colleagues have curtailed their speaking time so that the Minister has long enough to respond to the questions and important points raised. If she does not have time, I am sure we would all understand if she responds by writing to us during Prorogation.

3.52 pm

The Minister of State, Department of Health (Gillian Merron): I congratulate my right hon. Friend the Member for Rother Valley (Mr. Barron), the Chairman of the Health Committee, on ensuring that hon. Members have the opportunity to debate the Committee's vital report on the important issue of health inequalities.

At the outset, may I say that I am grateful to my right hon. Friend for his encouragement and support for the seriousness with which the Government take the matter of health inequalities? He has shown regard for the Government's approach and action, while making constructive contributions about how we might better improve. I am absolutely delighted to hear about the Rotherham Institute for Obesity, which Government investment has allowed to happen. I hope that I will get an invitation to visit the institute to see the good it is doing, because it is an example of the work that takes place across the country. People should be proud of that institution.

Mr. Barron: I say to my hon. Friend that there is an invitation as of now to go and have a look at the institute in some detail, when the cameras are not there unfortunately—although they might be there for her. She will then be able to see what work is being done in communities that need that type of work, which is not necessarily top-down stuff. The institute shows what health clinicians and others are doing in the community to help with health inequalities.

Gillian Merron: We have agreement and harmony on the issue already.

May I make some general points before referring to the specific matters raised, because I want to allow my right hon. Friend to have the last word, as is right and proper? Tackling health inequalities and improving the health of people in disadvantaged areas and groups has been a priority for the Government since 1997. A comprehensive evidence-based programme to tackle those inequalities has been put in place, including the first ever national target for 2010 on infant mortality and life expectancy at birth, which is backed by a national cross-Government strategy—the programme for action.

During the past 10 years, there have been significant improvements in life expectancy and in dealing with infant mortality for all groups and areas. As we have heard time and again in the debate, it is true that the target remains challenging, but it is also true to say that, as my right hon. Friend suggested, the target has helped us to focus our efforts.

Norman Lamb: Will the Minister give way?

Gillian Merron: Before I do so, it is worth saying that life expectancy has improved faster in the non-spearhead areas than in the disadvantaged spearhead areas. It is true that the gap has not narrowed as we would wish, but infant mortality is at an historic low level, even for disadvantaged groups. In each of the past three years, the gap has narrowed and if that trend continues, that aspect of the target will be met.

Norman Lamb: That in itself is clearly encouraging. However, does the Minister accept that it is not just a question of the gap not narrowing? Overall the report states that, during the past 10 years, in terms of life expectancy, inequalities have increased by 4 per cent. for men and 11 per cent. for women.

Gillian Merron: I do not share the doom and gloom of the hon. Gentleman—although I am sure that he did not intend to come across in quite that way—and I think it is important to show where progress has been made. Perhaps he will allow me to explain why I feel that we should acknowledge that this is a difficult matter to turn around and why it would be wrong of me to suggest otherwise.

I know that the Opposition say that targets are not the way to go, but on this matter I think we have some understanding that targets have allowed us to focus and move forward. However, I accept that there is more to do to deliver the target. We have a further two years in which to deal with that and we continue to promote progress through partnerships between local NHS organisations and local authorities. We support local action through national support teams and we use all available levers and processes to bring the health equalities message to the whole of Government, whatever Department that might involve.

Mike Penning: Will the Minister give way?

Gillian Merron: I will in one second. I want to say up front—this matter has been mentioned—that I very much look forward to Professor Sir Michael Marmot's report, whom I recently had the opportunity to meet. His report will review health inequalities and will set us on a firmer footing for the development of a national cross-Government health equalities strategy.

Christopher Fraser: Will the Minister give way?

Gillian Merron: I will give way to the hon. Member for Hemel Hempstead (Mike Penning) first. The review will report to Ministers at the end of this year and will be published in the new year.

Before I take interventions, it is important that I set out the challenge. Health inequalities are extremely difficult to change. They start early in life and continue into not just old age, but future generations. These long-term trends cannot be reversed quickly; they need sustained effort. Health inequalities are the result of a complex and wide-ranging network of factors, some of which we heard about today. My hon. Friend the Member for Dartford (Dr. Stoate) particularly expressed that clearly. People who experience material disadvantage, poor housing, lower educational attainment, insecure employment or homelessness are most likely to suffer from poor health and an early death, compared with the rest of the population.

Mike Penning: I wish to make two very quick points. First, I heard the Minister say earlier that she is in agreement with the Chairman of the Select Committee. It is interesting to note that the right hon. Member for Rother Valley (Mr. Barron) is from the same party as her and that the Committee is Labour dominated.

However, the point I really want to make is to ask whether she will address the issue of the funding formula, which has been raised. As she says, inequalities must be addressed through an understanding of local needs. It is not just about money going into separate projects; we must deal with what my hon. Friend the Member for Wellingborough (Mr. Bone) talked about and what is happening in my constituency, where the primary care trust is not getting the correct funding formula based on its own formula, services are being closed and people are not getting the services they deserve. There are inequalities across the country.

Gillian Merron: The hon. Gentleman mentions a matter that I was coming on to—as did the hon. Members for North Norfolk (Norman Lamb) and for Wellingborough (Mr. Bone). I am happy to talk about that now.

Within the NHS, the target revenue allocations to primary care trusts are based on the fair funding formula, as we have discussed, and are recommended by the independent Advisory Committee on Resource Allocation, which directs funding to the areas of greatest need. We are committed to moving all PCTs towards their target allocations as quickly as possible, but that aim must be balanced against the need to ensure that all PCTs have sufficient and stable funding that supports their existing commitments and allows long-term planning, recognising the unavoidable cost pressures that all local health services face. Moving PCTs towards their target allocations too quickly would result in some rather painful cuts in services in some PCTs.

Mr. Bone *rose—*

Gillian Merron: Perhaps the hon. Gentleman will allow me to answer some of his earlier questions.

It is important to remember that the allocations for 2009-10 and 2010-11 show an average PCT growth of something like 5.5 per cent. a year, with minimum growth figures of 5.2 per cent. in 2009-10 and 5.1 per cent. in 2010-11. The most under-target PCTs will benefit from the highest increases in funding. Over the next two years, the same PCTs' allocation will grow by more than 17 per cent., and they will end 2010-11 only 6.2 per cent. under target. That is a significant achievement by historical standards if one considers that at the start of 2003-04 the most under-target PCT was 22 per cent. below target.

Christopher Fraser: I am grateful to the Minister for giving way. I know that my hon. Friend the Member for Wellingborough (Mr. Bone) wants to pick up on the point that she just made, but I am picking up on an earlier point about health inequalities. Does she recognise that there are great inequalities across the country in relation to prostate cancer—an issue that I have raised with her before? Research carried out by the Prostate Cancer Charter for Action has found that in 96 of England's 529 constituencies the death rate from prostate cancer is well above average. Does the Minister recognise that that is not acceptable?

Gillian Merron: The hon. Gentleman has previously secured a useful Adjournment debate on that issue, to which I responded. Of course, there are differences in responses to prostate cancer, but that issue is not simply about the inequalities that we are talking about today. There is a whole range of factors to consider, but I am sure that you would say, Mr. Bayley, that they would be better discussed in a relevant Adjournment debate.

I should like to return to the targets we have been discussing. By setting the 2010 national health inequalities target and by learning from experience, we have increasingly been able to show what works and have been able to develop evidence-based resources for local planners of public services. That is something that the Select Committee has been very keen on. In the June 2008 document, "Health Inequalities: Progress and Next Steps", we reconfirmed our commitment to setting out new and enhanced programmes for health inequalities and to ensuring that we have in place the structures and systems needed to support sustainable improvements in health inequalities.

Mr. Bone: Once again, we have heard the Government say that we have the national capitation formula that is based on the needs of particular areas, but they are not meeting those figures because they are overfunding elsewhere. If I had a pound for every time a Minister has told me, "We are closing this gap," I would be a very rich man, but there is no evidence that they are closing the gap. If it is closing and if we are going to get to the point at which we have the fair formula, will the Minister tell me the date on which that will happen?

Gillian Merron: I have already outlined the progress that has been made on that, and I assure the hon. Gentleman, as my colleague Ministers have, that we will continue to make progress.

Comments have been made about the bleak outlook before us, and I have expressed my concerns about the picture that the hon. Member for North Norfolk painted of the situation. The latest life expectancy data for 2006 to 2008 showed an average increase in life expectancy in spearhead areas of 3.1 years for males and 2.1 years for females. The same figures showed an average increase across England of 3.3 years for males and 2.3 years for females, compared with 1995 to 1997 baseline figures. As I have said, infant mortality is at an historically low level. We should acknowledge where there have been achievements.

Let me turn specifically to the Committee's report. I welcome the report and its call for more work on health inequalities, not least by proposing a 10-year extension to the life of the national target. I am glad that colleagues feel the target is useful, because it makes a difference. I also agree with the Committee about the need to do more to address inequalities. The report will help us sharpen our efforts on framing policy, delivering change and ultimately narrowing the inequality gap.

It might help hon. Members if I briefly outline some of the Government's actions on health inequalities. In 1997, the Government set up an inquiry, which was run by the former chief medical officer Sir Donald Acheson. The inquiry pulled together evidence on health inequalities, which showed a marked widening of the gap over the previous 20 years and made clear the link between health and wealth. Since then, we have established the first ever national health inequalities targets on infant mortality and life expectancy, we have developed an ambitious national health inequalities strategy, which is backed by 12 Departments, and we have incorporated the health inequalities message across public services to make it part of everybody's business. I think that those are stretching targets and demands. We are building on that work and developing a post-2010 cross-Government health inequalities strategy.

As we have heard today, the Government also have a strong record on taking action to address the causes of ill health, including on smoking, which is a real driver of inequality. I hope that all right hon. and hon. Members present will join me in welcoming the measures on tobacco control in the Health Bill, which prohibit the sale of tobacco from vending machines and will bring an end to the display of tobacco. Those measures will help to protect children from being new recruits to smoking and will help people to quit.

Norman Lamb: The Minister has mentioned the Acheson inquiry and its recognition of the link between health and wealth, as she put it. Work on precisely that issue has been done by Richard Wilkinson, who I understand is soon to present a seminar to the Cabinet—a little late, sadly. Does she accept his case that if we are to make real progress we must address inequality within society?

Gillian Merron: That is the theme that I have been trying to develop. It is true that inequality remains a challenge, but it is not true that no progress has been made. That is the only point to which I draw the hon. Gentleman's attention.

We know that it will not be easy to reverse the trend of widening health inequalities and to improve the health of all. There is no single formula or blueprint for tackling this matter, so the Government have had to blaze our own trail. We have built on the evidence in the Acheson report and have negotiated new directions in the business of government to give us the flexibility to meet the needs of individuals, communities and families. I repeat that by setting a target and learning from experience, we have been able to show what works and have been better able to develop evidence-based resources for local planners of public services.

Mike Penning: The Minister has talked about the measures in the Health Bill banning the sale of tobacco from vending machines—I understand that the Bill might already have received Royal Assent. I have nothing but admiration for the Chair of the Select Committee, who has for years advocated such a ban and has been involved in that argument time and again. However, at no time during the Bill's passage through the Committee and Report stages, during which time all the evidence was there, did the relevant Ministers say that the Government wanted to ban the sale of cigarettes from vending machines.

Gillian Merron *rose—*

Mike Penning: I have not finished. At the last minute, Ministers tore up their proposals and accepted proposals from Labour Back Benchers that have caused problems for the Bill, but those problems have now been addressed. What made Ministers suddenly change their minds after the Bill had gone through Second Reading, Committee and Report? Why did they suddenly think, "Ah, we'll ban it today"?

Gillian Merron: We have already had that argument. I know the hon. Gentleman still resents the effort the Government have agreed to make on tobacco control, but the fact is that the Bill was always written to allow either restrictions or a ban, as he knows. We said we would test the will of the House and that is what we did. Rightly, the House spoke and the Government gave effect to that. I gently suggest that it is time he accepted not only the will of the House, but the Government's efforts to protect young people from smoking and help others to quit.

Dr. Stoate: May I say how welcome are the significant changes the Government have made since the Acheson report and the real improvements in policy? However, does the Minister share my regret that the previous Government's burial of the Black report and of the subsequent report by Margaret Whitehead in 1985 puts us at least 20 years behind the improvements that could have been made had we taken the issues more seriously earlier?

Gillian Merron: My hon. Friend always makes clear and informed points. As I said earlier, health inequalities widened over those 20 years because of inaction, and now we are in a position—*[Interruption.]* Opposition Members may not like it, but there has been an improvement and, more importantly, there are moves forward. I am afraid the idea that all that can be turned around overnight is totally unrealistic.

Mike Penning: Will the Minister give way?

Gillian Merron: I would like to continue, because Opposition Members have raised several points already.

My right hon. Friend the Member for Rother Valley referred to evaluation. We have audited and reviewed the results of a range of programmes, including our own work on health inequalities, to make our effort on narrowing the gap more effective. I recognise that we need to strengthen policy and programme evaluations further and can assure Members that we have encouraged programme evaluation as part of our approach to tackling health inequalities so as to learn and do better.

With regard to the role of the NHS, we emphasised in our response to the Committee's report that the NHS has a key role to play through its planning and commissioning arrangements, but there are many major NHS programmes, such as those for cancer or coronary heart disease, that have a health inequalities dimension, as do the public health prevention programmes on smoking, alcohol and obesity. In primary care, improving access for and outreach to disadvantaged groups in areas is a priority. We also fund a range of specific initiatives to support the delivery of the national health inequalities target set out in our report "Health Inequalities: Progress and Next Steps."

The hon. Member for Hemel Hempstead stressed the importance, as I do, of cross-Government action. Our response to the Committee's report states, by way of agreement, that effective cross-departmental action

> "is a hallmark of the Government's approach as shown from 2002/03 onwards through the Treasury-led cross cutting review and the Programme for Action. It has also included close working with individual departments particularly the Department for Children, Schools and Families (DCSF)...The learning process is bearing fruit. Ken Judge, a leading academic, has suggested that 'Perhaps the best example of a focused strategy with a clear action plan to achieve specified reductions in inequalities can be found in England'".

I believe that that judgment reflects recent developments, particularly with regard to infant mortality.

Health inequalities are everyone's business, and I wish to emphasise that we see effective partnerships across Departments. We monitor links between Departments on our wider ambitions in order to deliver a long-term, sustainable reduction in health inequalities. We do that through our regular status reports, which look at reductions in child poverty, improvements in housing and educational attainment, and reductions in deaths from cardiac heart disease and cancer. We are also working across Government on the Equality Bill to ensure that the link between socio-economic disadvantages and the other dimensions are fully accounted for in policy making.

The hon. Member for Wyre Forest (Dr. Taylor) referred to secondary care. Perhaps I can assure him that Professor Marmot's review will look at the key health factors contributing to health inequalities in primary and secondary care. The results of that review will be taken alongside NHS policy developments such as the Darzi report to contribute to what I hope will be a comprehensive post-2010 health inequalities strategy.

I am glad that the Committee welcomes the decision to make personal, sexual and health education a statutory part of the curriculum. Members will know that my right hon. Friend the Secretary of State for Children, Schools and Families has agreed to take forward the recommendations of the Macdonald review as soon as possible, and we will work with that Department to ensure that the work is carried out as soon as possible.

The hon. Member for Wyre Forest also asked about children's services, and there was much discussion on Sure Start. Having a centre in each community means that many more disadvantaged children and their families can benefit from those services, as I see happening in my constituency in Lincoln, which will help to end child poverty and improve community cohesion. Sure Start is an example of where we have learned and further developed the programmes from their initial pilots, and they have continued to grow.

Dr. Richard Taylor: With regard to Sure Start and children's centres, is there any way that the Minister and the Department can monitor the uptake by the disadvantaged families that we are so keen to involve, rather than the better-off who do not actually need the services?

Gillian Merron: I do not think that is necessarily a helpful distinction. I know from my own experience that the fact that all families can access those services removes stigma. One of the great successes of Sure Start has been that the promotion of breast-feeding, good parenting and good nutrition, for example, is not aimed only at the most disadvantaged.

Norman Lamb: Will the Minister give way?

Gillian Merron: I will take one more intervention.

Norman Lamb: The Minister said that Sure Start and children's centres are an example of how the Government have learned, but the Committee's report suggests otherwise. Has there actually been an evaluation of the impact of shifting from Sure Start to children's centres and spreading them across all communities, and was that effectively piloted? While it is fair to say that every mother needs guidance and support, surely if we are to address health inequalities we need to target that effort in the most disadvantaged communities. Is there any evidence that the policy is achieving that?

Gillian Merron: I am a little worried that hon. Members are suggesting that we should cut back on Sure Start. I know that it is the policy of the Opposition to close Sure Start centres and move the services elsewhere. I remember the pilot from way back, and I think that the Sure Start centres and services we see are extremely popular and well received.

Mike Penning: Will the Minister give way?

Gillian Merron: I will not give way because I want to allow time for my right hon. Friend the Member for Rother Valley to speak.

At the local level we do see changes. For example, the gap between women's life expectancy in Southwark and that of the rest of England has been not only narrowed, but closed completely: female life expectancy in Southwark has jumped from 78.7 years to 82.4 years, which is higher than the average life expectancy for England. In Manchester that gap for men is being closed: male life expectancy there has risen from 70.1 years to 73.8 years. Life expectancy in Hackney has increased faster than the English average for both males and females. If those areas can improve, so can others.

We remain committed to supporting local partners to tackle inequalities. There is much more to do if we are to retain and build on the progress we have made over the last few years and lay the foundations that the Committee rightly asks us to for a long-term and sustainable reduction in health inequalties in the future. That recognition has informed our decision to ask Professor Marmot to conduct the review, and he is the world's leading expert in that field. I am delighted that the Committee has welcomed that decision and emphasised the potential contribution that that work can make.

A key part of the work that Sir Michael will undertake for us in England will be to explore how to translate the evidence into promising areas for policy development, and what that will mean for delivery and implementation on the ground. It is exactly what the Select Committee is looking for. The review will provide a fresh and rich source of material that will be invaluable to the Committee and to the Government.

Health inequalities are persistent and difficult to change, but we remain committed to and focused on tackling this blight on the lives of people across the country. The learning from the past 10 years and the results of the forthcoming Marmot review will mean that we will be better placed than ever to deliver on our ambition of achieving a long-term, sustainable reduction in health inequalities.

4.20 pm

Mr. Barron: I thank hon. Members for taking part in this debate and for their kind words about the operation of the Health Committee. I thank the three members of the Committee who contributed this afternoon. I would like to run through a few things and give a view on them, as I truncated my speech earlier.

The Minister rightly says that personal, social and health education will be introduced under the national curriculum. I noticed that when that was announced in the media last week, one issue immediately came up for national debate. I would like to remind the House exactly what PSHE will mean under the national curriculum for years to come. This is in paragraph 201 of the Government's response:

> "It covers a range of issues central to children and young people's lives including: drugs, alcohol and tobacco, emotional health and wellbeing, sex and relationships, nutrition and physical activity, personal finance, safety, careers and work related learning."

Many of those things are involved in health inequalities and how they operate in this country.

That takes me on to what the hon. Member for North Norfolk (Norman Lamb) said about economic inequality being the driver of health inequality. I want to question that a little. The Committee did not go into this in great detail, but if Members look at page 24 of the report, the person who is mentioned, Richard Wilkinson, did give evidence to us. It would have been my wish that Richard could have been an adviser to us throughout the inquiry, because of his eminence in this field, but he could not make it. He stated that

> "health-related behaviour is all about resolutions to give up the things you do not want to give up and to do the things you do not want to do. You cannot do that, you cannot make the resolutions and stick to them, unless you are feeling on top of life."

That is not quite the same as what public health academics have been saying for many years now, which is that it is all about income inequality.

Norman Lamb: Will the right hon. Gentleman give way?

Mr. Barron: Let me finish first, please. The Committee took evidence from numerous people as eminent as Richard Wilkinson. I remember Professor Kay-Tee Khaw from the university of Cambridge saying that such issues are not necessarily about income inequality but about what people do or do not do. They are lifestyle choices. Many people who were born and brought up in my constituency are very much like I was before I came to this House. They live healthy and fulfilled lives, although one could say that they are in a risk area, being in social class IV or V. That is why I say to the hon. Member for North Norfolk that we cannot say that this is just about income. Clearly, it is not.

Norman Lamb: I said clearly that despite the clear evidence in Richard Wilkinson's analysis in "The Spirit Level", we have a duty to do everything that we can to reduce the health inequalities that exist in our society here and now. Has the right hon. Gentleman seen that analysis, or the incredibly compelling evidence from international studies which show a clear link between income inequalities and health inequalities?

Mr. Barron: Indeed, the Committee has seen it, and we visited northern Europe to look at how income inequalities were measured. Before I move on, let me refer to paragraph 48 of the Committee's report. This was not our idea, and it was not one of the recommendations, but when the hon. Gentleman spoke earlier, I was reminded of this paragraph in the report:

> "Moreover, while the view that reducing relative income inequalities was the key to reducing health inequalities has many enthusiastic proponents, we did not see any conclusive evidence that suggested changing tax and benefit policies to reduce income inequalities

[Mr. Barron]

> would lead to a reduction in health inequalities. Such claims tended to centre on theoretical assertions rather than be supported by robust evaluative evidence. We note that the Government has commissioned research, to be carried out by Professor Sir Michael Marmot, into the evidence about these wider determinants of health."

We should wait until Sir Michael comes back on this, whether in his report next year or the post-2010 strategy, before we make general assumptions. I know that many have been made in the past, and theories have been given. I am not attacking Richard Wilkinson, for whom I have a high regard. I have worked with him on other matters to do with health inequalities, and he has influenced debates in this House for many years. We should wait and ensure that we do not jump to assumptions that have been easy to jump to in the past. People say, "If only we had fairer income distribution, things would be a lot better in the garden." The issue goes far deeper than that. Looking at our constituencies, we must know that by what happens on the ground.

Dr. Stoate: My right hon. Friend has basically agreed with what I said earlier, which is that it is more to do with perceptions. There are far more deeply rooted factors than simply wealth inequality. It is about how people perceive themselves and their role in society. That can have just as big an effect as material wealth in itself.

Mr. Barron: That is right, and I would like to move on to what my hon. Friend said about the local environment. An issue that we looked at that has not been highlighted in this debate is the availability of food in a locality. Jamie Oliver was a witness to the Committee. Some sceptics on the Committee said that he should not have been included. We tried to tie him down—in view of what was said yesterday in the media about the salt content of his sausages, somebody else may be trying to tie him down as well.

We discussed with Jamie Oliver not just food labelling—obviously, we did that—but also what happens in communities where there are lots of takeaways, and whether they should be restricted. Things are probably not measured as well by fast-food takeaways as they are by supermarkets. He said that if the high street was

> "riddled with fast food options on every corner and hardly any fresh food options, then, essentially that is like having more off licences and pubs in place of high alcoholism."

He said that we should not be surprised if people have unhealthy diets in such circumstances. I am pleased that the Government recognised in their response that local government has a responsibility in this area. I know that some authorities in the east end of London have exercised their responsibility by using planning permission to control the plethora of fast-food outlets. Jamie Oliver said to the Committee that if we do not have places that sell fresh food, we should not be surprised if people do not eat fresh food. In essence, those matters are for planners, but we should look at them.

Mike Penning: Over the years, we have assumed that fast-food outlets are something new. Of course, the big chains are new, but I grew up in north London and the east end of London in socially deprived areas, which have always had pie and mash shops, jellied eel shops, bagel shops and salt beef. The crucial difference now is the amount of exercise that is being done after people eat an amount of fast food.

Mr. Barron: And I have no doubt that some people probably did much more manual labour, as well. Our lifestyle has changed significantly in my lifetime, and those are the reasons why. That is what we have to address.

I wish briefly to deal with two more things. I agree with what has been said about capitation fees. My dilemma is that last year the target got higher because of a reassessment, so Rotherham was well under, but I would not argue that money should be taken from primary care trusts that are over their target. We must remember that although Rotherham is underfunded on the new calculation which may get rid of the historical calculation and bring in a more sensible one, the issue is about actual needs based on assessment of communities.

We are still building things like the Rotherham Institute for Obesity, and still doing things on the ground with overweight and young people, including sending them to Carnegie college up in Leeds. We will be running Carnegie weight loss colleges for schoolchildren in our community centres. Although this is happening, we have not reached the target. It is about more than just reaching targets and saying, "We've got this money now." However, I would not advocate that money be taken out of communities: if I am in Parliament in 12 months—I do not know who will be sat in the Minister's chair then—I will be arguing for money for communities like mine to carry on improving their health.

Finally, on tobacco policy, in a sense the answer to the question by the hon. Member for Hemel Hempstead (Mike Penning) about what happened in respect of the vending machine debate, and the good decision taken in the Health Bill, is that the Government, at the eleventh hour, decided to let the House have a free vote, allowing Members of Parliament to exercise their own judgment, as they did on smoking in public places. We would be a lot better as legislators if we did it ourselves, because party politically we are frightened to death of the nanny state, but as individuals we can see the need for intervention in all our communities—in respect of different age and gender groups and everything else—and we can defend those decisions on the ground.

My hon. Friend the Minister used to be in the Whips Office at one time. We ought to get the message through to all parties in Parliament and to the usual channels that parliamentarians, on many occasions, can take the right decisions without having to respond to Whips, who are sensitive about arguments that I think are quite old-fashioned. Members of Parliament are sent to the House because our constituents want a representative of the state. That is the whole point of the exercise and why we are sent to Westminster, whether we are in government or opposition, or whatever. We are the state's representative in our constituencies and we should not be frightened of taking decisions on behalf of our constituents, because that is to the general good.

You will be pleased to know that I will not go any further, Mr. Bayley. I thank hon. Members for their interventions and comments in relation to our report on health inequalities. As I said at the start, I hope that this is not the end of the debate on health inequalities in this country. Lifestyles will be the big public health issue in the 21st century and this report is designed to start the debate, not end it.

Hugh Bayley (in the Chair): Despite the uncertainty about the time available, I think we have had a good debate about an important issue. I thank all hon. and right hon. Members who participated for exercising enough restraint to ensure that everybody who wanted to speak was able to do so.

Question put and agreed to.

4.32 pm

Sitting adjourned.